

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01224-WJM-KLM

AMY V. WHITE,

Plaintiff,

v.

TYLER SANTOMASO,

Defendant and Third-Party Plaintiff,

v.

GREGORY P. NESSLER,

Third-Party Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant and Third Party Plaintiff's **Motion to Compel Production of Release Agreement** [Docket No. 75; Filed July 19, 2011] (the "Motion"). Pursuant to the Scheduling Order [Docket No. 16] governing this case, the Motion is premature. See *Scheduling Order* [#16] at 8, ¶ 8(d) (incorporating by reference "Section E.1" of the Order Setting Scheduling/Planning Conference [Docket No. 3]). The Order Setting Scheduling/Planning Conference [#3] provides as follows:

No opposed discovery motions are to be filed with the Court until the parties comply with D.C.COLO.LCivR 7.1A. If the parties are unable to reach agreement on a discovery issue after conferring, they shall arrange a conference call with Magistrate Judge Mix to attempt to resolve the issue. **Both of these steps must be completed before any contested discovery motions are filed with the Court.**

Order Setting Scheduling/Planning Conference [#3] at 2 § E.1 (emphasis added).

Defendant and Third Party Plaintiff has not arranged a conference call with the Court to attempt to resolve the instant discovery dispute. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#75] is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that no party shall file a contested discovery motion until after (1) unsuccessfully conferring with the other parties pursuant to D.C.COLO.LCivR 7.1A., and (2) receiving leave from the Court to file the motion. To conduct a hearing regarding a discovery dispute, the parties shall initiate a conference call and then, once all parties are on the line, dial the Court at **303-335-2770**.

Dated: July 21, 2011