

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01648-CMA-KLM

HARRY JAMES,

Plaintiff,

v.

HEUBERGER MOTORS, INC., a Colorado corporation,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Motion for Protective Order to Restrict the Subject Matter of Plaintiff's 30(b)(6) Notice of Deposition** [Docket No. 33; Filed March 2, 2011] (the "Motion"). Pursuant to the Scheduling Order [Docket No. 9] governing this case, the Motion is premature. See *Scheduling Order* [#9] at 5, ¶8(c) (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 has not arranged a conference call to attempt to resolve the instant discovery dispute. Thus, Defendant has failed to comply with the Court's Orders [#3 & 9].

This is the second time the parties have not followed the Court's prescribed discovery procedures in this case. On January 20, 2011, the Court denied Plaintiff's Motion to Compel Discovery [Docket No. 10] as premature and stated as follows: "IT IS FURTHER **ORDERED** that the parties shall not file any contested discovery motions until after having (1) unsuccessfully conferred with each other pursuant to D.C.COLO.LCivR 7.1A and (2) being given permission to do so by the Court." *Minute Order* [Docket No. 15]. Thus, the parties have been made well aware of the Court's requirements for filing discovery motions. Accordingly,

IT IS HEREBY **ORDERED** that henceforth any contested discovery motions that do not comply with the Court's Orders [#3, 9 & 10] setting forth the Court's discovery procedures will be summarily denied.

Despite the fact that the instant Motion is noncompliant, the issues it presents relate to a deposition that is scheduled for March 7, 2011. Thus, in the interest of expedience,

IT IS FURTHER **ORDERED** that the Motion [#33] is **held in abeyance** pending a hearing on **March 4, 2011 at 12:00 p.m.**

IT IS FURTHER **ORDERED** that the parties may appear at the hearing either in person or by telephone. To appear by telephone, a party shall dial the Court at **303-335-2770**. If more than one party wishes to appear telephonically, these parties must initiate a conference call between themselves and then, once all parties are on the line, dial the Court at **303-335-2770**.

Dated: March 3, 2011