

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 10-cv-02327-REB-MJW

CAMERON McARTHUR,

Plaintiff,

v.

SOURCE GAS LLC,

Defendant.

**ORDER GRANTING JOINT STIPULATED MOTION TO VACATE
TRIAL DATE AND FINAL TRIAL PREPARATION CONFERENCE**

Blackburn, J.

The matters before me are (1) the parties' **Joint Stipulated Motion To Vacate Trial Date and Final Trial Preparation Conference** [#116]¹ filed December 30, 2011; and (2) **Defendant's Unopposed Motion for Extension of Time To File Its Proposed Findings of Fact and Conclusions of Law** [#117] filed December 30, 2011. Per force, I grant the motions.

The case is set to commence a trial to the court without a jury on January 9, 2012. On December 20, 2011, the magistrate judge issued his **Recommendation on Defendant's Motion To Dismiss and for Sanctions (Docket No. 73) and Defendant's Motion for Summary Judgment (Docket No. 100)** [#114], recommending that defendant's motion for summary judgment be granted or, alternatively, that its motion to dismiss be granted. On January 3, 2012, the plaintiff filed objections to the recommendation. See [#118].

Although I will give prompt attention to the recommendation and the related objections, I can not represent that I can rule on the recommendation before commencement of trial on

¹ "[#116]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Monday, January 9, 2012.² Thus, neither of my only two options is ideal: I can vacate the trial, continuing it without date until I rule on the recommendation, or I can proceed to trial as set with the recommendation to dismiss pending. Consistent with the letter and spirit of Fed. R. Civ. P. 1, I conclude that the unfortunate chronology of pretrial events necessitates the granting of the instant motions.

THEREFORE, IT IS ORDERED as follows:

1. That the parties' **Joint Stipulated Motion To Vacate Trial Date and Final Trial Preparation Conference** [#116] filed December 30, 2011, is **GRANTED**;
2. That the Trial Preparation Conference currently scheduled for **Friday, January 6, 2012, at 2:00 p.m.**, as well as the trial to the court, currently scheduled to commence on **Monday, January 9, 2012**, are **VACATED** and **CONTINUED WITHOUT DATE** pending further order of this court; and
3. That **Defendant's Unopposed Motion for Extension of Time To File Its Proposed Findings of Fact and Conclusions of Law** [#117] filed December 30, 2011, is **GRANTED**.

Dated January 4, 2012, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge

² I am aware also of Fed. R. Civ. P. 72(b)(2), which provides relevantly that “[a] party may respond to another party’s objections within 14 days after being served with a copy.”