

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-03040-LTB-KLM

RONALD SCATURRO,

Plaintiff,

v.

OLD DOMINION FREIGHT LINE, INC., a North Carolina corporation,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Compel Discovery** [Docket No. 32; Filed November 7, 2011] (the "Motion"). Pursuant to the Scheduling Order [#13] governing this case, the Motion is premature. See *Scheduling Order* [#13] at 8, ¶8(d) (incorporating by reference "Section E.1" of the Order Setting Scheduling/Planning Conference [#6]). The Order Setting Scheduling/Planning Conference [#6] 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 [#6] at 2 § E.1 (emphasis added). Plaintiff has not arranged a conference call to set a hearing to resolve the instant discovery dispute. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that neither party shall file a contested discovery motion until after (1) unsuccessfully conferring with the other party 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: November 10, 2011