

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00407-PAB-BNB

JAMES FRANKS,

Plaintiff,

v.

FLINT-MCCLUNG CAPITAL, LLC,
SHAWON MCCLUNG and
BRYANT FLINT d/b/a, and
HEIDI ARNDT,

Defendants.

ORDER

This matter was set for a final pretrial conference to occur this afternoon at 1:30 p.m. See Scheduling Order [Doc. # 50, filed 6/1/2011] at p. 8. All parties are proceeding pro se.¹

Only the plaintiff appeared at the final pretrial conference. None of the defendants appeared. In this regard, it was apparent to me that a final pretrial order could be successfully entered in the case only if all parties attended the final pretrial conference in person.

Consequently, I denied the last minute motions of defendants Heidi Arndt and Bryan Flint to appear at the conference by telephone. See Minute Order [Doc. # 161, filed 1/30/2012] and Minute Order [Doc. # 165, filed 1/31/2012].

I made a number of rulings on the record during the final pretrial conference, which are

¹Flint-McClung Capital, LLC, an Indiana limited liability company, is named in the Complaint as a defendant. There is no indication in the record that it has been served with process, and it has not appeared in the action.

incorporated here. Consistent with matters discussed at the final pretrial conference,

IT IS ORDERED:

- (1) The proposed Final Pretrial Order is REFUSED;
- (2) My **Order to Show Cause** [Doc. # 134] is DISCHARGED;
- (3) Heidi Arndt's **Motion to Strike James Franks Response to Motion to Compel**

[sic] [Doc. # 145, filed 1/4/2012], which I construe as a motion to strike Mr. Franks' response to the Order to Show Cause, is DENIED;

(4) Bryan Flint's **Order to Show Cause** [Doc. # 166, filed 1/30/2012], which is indecipherable, is DENIED; and

(5) Bryan Flint's **Regarding Stricken Affidavit On June 6th 2011** [Doc. # 167, filed 1/30/2012], which I construe as a motion to file answer out of time, is DENIED as premature.

Dated February 1, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge