

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00467-LTB-KLM

MATTHEW HARVEY,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, and
JOHN WALLACE,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion for Confidentiality/Protective Order against Defendant, John C. Wallace** [Docket No. 46; Filed January 19, 2012] (the "Motion"). Plaintiff represents that Defendant Wallace opposes the requested relief. Pursuant to the Scheduling Order [#24] governing this case, the Motion is premature. See *Sched. Ord. [#24]* at 10, ¶ 8(d) (incorporating by reference "Section E.1" of the Order Setting Scheduling/Planning Conference [#11]). The Order Setting Scheduling/Planning Conference [#11] 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 telephone hearing with Magistrate Judge Mix regarding the issue. **Both of these steps must be completed before any contested discovery motions are filed with the Court.**

Order Setting Scheduling/Planning Conference [#11] at 2, § E.1 (emphasis added).

Plaintiff has not arranged a conference call to set a hearing regarding 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 inquire as to 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**.

The Court notes that this matter is presently governed by a Confidentiality/Protective Order as to Plaintiff and Defendant State Farm, entered on September 29, 2011 [#38].

Dated: January 23, 2012