

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01658-WJM-MEH

R.E. MONKS CONSTRUCTION CO., LLC, an Arizona limited liability company, on behalf of
Fisher Sand & Gravel Co., d/b/a Arizona Drilling & Blasting,

Plaintiff,

v.

TELLURIDE REGIONAL AIRPORT AUTHORITY, a political subdivision of the State of
Colorado,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on August 24, 2012.

For exceptional cause shown, the Stipulated Motion to Stay Proceedings and Extend Discovery Pending Outcome of Conditional Settlement Agreement [filed August 22, 2012; docket #49] is **granted in part and denied in part**. In an effort to assist the parties in completing the settlement of this matter, the Court will modify the Scheduling Order as follows:

Initial expert disclosures: October 24, 2012
Rebuttal expert disclosures: November 20, 2012
Discovery cutoff: December 21, 2012¹
Dispositive motion deadline: January 28, 2013

The Court will grant no further extension of these deadlines absent a showing of exceptional cause.

In addition, the Final Pretrial Conference scheduled in this case for January 18, 2013 at 9:30 a.m. is hereby **vacated** and **rescheduled** to **March 19, 2013, at 9:30 a.m.** in Courtroom A501 on the fifth floor of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

The parties shall submit their proposed pretrial order, pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures V.L. **no later than five (5) business days** prior to the pretrial conference. The proposed pretrial order to be submitted to the Magistrate Judge under the

¹The parties request a discovery cutoff date of February 22, 2013; however, they fail to explain the necessity for a 90-day period between expert disclosures and the discovery cutoff, particularly when the original Scheduling Order provided less than 30 days. *See* docket #15. Without some explanation for such a lengthy period, the Court will not stray from its obligation to secure a “just, speedy and inexpensive determination” of this action. *See* Fed. R. Civ. P. 1.

ECF Procedures must be submitted in a useable format (i.e., WordPerfect or Word only) and shall be emailed to the Magistrate Judge at *Hegarty_Chambers@cod.uscourts.gov*.

Attorneys and/or pro se parties not participating in ECF shall submit their proposed pretrial order on paper to the Clerk's Office. However, if any party in this case is participating in ECF, it is the responsibility of that party to submit the proposed pretrial order pursuant to the District of Colorado ECF Procedures.

The parties shall prepare the proposed pretrial order in accordance with the form which may be downloaded in richtext format from the forms section of the court's website at <http://www.cod.uscourts.gov/Forms.aspx>. Instructions for downloading in richtext format are posted in the forms section of the website.

All out-of-state counsel shall comply with D.C. Colo. LCivR 83.3C prior to the pretrial conference.

The parties are further advised that they shall not assume that the court will grant the relief requested in any motion. Failure to appear at a court-ordered conference or to comply with a court-ordered deadline which has not be vacated by court order may result in the imposition of sanctions.

Please remember that anyone seeking entry into the Alfred A. Arraj United States Courthouse will be required to show a valid photo identification. *See* D.C. Colo. LCivR 83.2B.

All other relief sought by the parties in the present motion is denied.