

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

Civil Action No. 11-cv-01775-REB-BNB

MOTHERLOVE HERBAL COMPANY, a Colorado corporation,

Plaintiff,

v.

MY MAMA'S LOVE, LLC, a Washington corporation,

Defendant.

ORDER

Plaintiff's counsel appeared this morning for a scheduling conference pursuant to my minute order [Doc. # 12, filed 11/9/2011]. I had on two previous occasions postponed the scheduling conference on the plaintiff's motions. Minute Order [Doc. # 8, filed 9/9/2011] and Minute Order [Doc. # 12, filed 11/9/2011].

The action was commenced on July 6, 2011, by the filing of a complaint. The practice standards of the assigned district judge state that "[w]henver practicable, the case shall be set for trial within twelve (12) to fourteen (14) months from the filing of the complaint." REB Civ. Practice Standard IV.B.1. In this case, application of the practice standard mandates a trial commencing not later than September 3, 2012.¹

A Waiver of Service [Doc. # 16] was filed on November 28, 2011. The Waiver states that it was sent on November 9, 2011. Pursuant to Fed. R. Civ. P. 4(d)(3), the defendant "need

¹Trials in this court ordinarily begin on Mondays. September 3, 2012, is the Monday preceeding September 6, 2012.

not serve an answer to the complaint until 60 days after the request was sent,” or January 9, 2012.² Consequently, the trial of the case will commence, at the latest, eight months after the defendant first files its response to the complaint.

I anticipate that the case schedule, which I will set at a scheduling conference to be held as soon as possible, will be as follows:

Discovery Cut-Off: June 29, 2012

(All discovery must be completed by the discovery cut-off. All written discovery must be served so that responses are due on or before the discovery cut-off.)

Dispositive Motions Deadline: June 29, 2012

Expert Disclosures:

- (a) The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before April 27, 2012
- (b) The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before May 28, 2012

Final Pretrial Conference: Late July 2012.

IT IS ORDERED:

(1) A scheduling conference is set for **December 16, 2011, at 8:30 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

²Sixty days after November 9, 2011, is Sunday, January 8, 2012. The response is due on the next business day thereafter.

(2) The parties shall prepare a proposed scheduling order and submit it to the court no later than December 9, 2011. The proposed schedule shall generally conform to the schedule anticipated above.

Dated November 30, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge