

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 11-cv-02467-DME-MJW

FTR - Courtroom A-502

Date: January 11, 2012

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

CARLO LOMBARDI,

David J. Furtado

Plaintiff(s),

v.

ADVANTAGE LOGISTICS, INC.,

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: STATUS CONFERENCE

Court in Session: 9:49 a.m.

Court calls case. Appearances of counsel. Paul D. Godec appears on behalf of an entity that was erroneously served by Plaintiff, Advantage Transportation, Inc., d/b/a Dart Advantage Logistics.

The company that was erroneously served by Plaintiff, Advantage Transportation, Inc., d/b/a Dart Advantage Logistics, has filed a Motion to Dismiss [Docket No. 4]. As it appears it has no standing in this case and is not a party in this case, and with no objection by Plaintiff,

It is ORDERED: Advantage Transportation, Inc., d/b/a Dart Advantage Logistics' MOTION TO DISMISS [Docket No. 4, filed November 21, 2011] is **WITHDRAWN**.

Attorney Paul D. Godec is withdrawn as counsel of record in this case and electronic notification shall be removed by the Clerk of the Court from CM/ECF, the court record system.

It is determined Advantage Logistics, Inc. is not the properly named defendant. Advantage Logistics USA West LLC is believed to be the correct defendant. Plaintiff represents to the Court that the correct defendant was served out-of-state, on either October 13, 2011 or October 31, 2011.

It is ORDERED: Plaintiff shall forthwith file the return of service as to the correct defendant.

It is ORDERED: Plaintiff shall have up to and including **JANUARY 25, 2012** to file a motion to amend the caption to reflect the correct defendant.

It is ORDERED: Plaintiff shall have up to and including **JANUARY 25, 2012** to file a motion for entry of clerk's default or, if necessary, a motion to file an Amended Complaint and the proposed Amended Complaint.

It is ORDERED: A **TELEPHONIC STATUS CONFERENCE** is set **JANUARY 30, 2012 at 9:00 a.m.**

All participating parties are to be on the call *before* the Court is contacted; Plaintiff shall create the conference call. Once the conference call is established, the Court shall be added as the final connection by dialing (303) 844-2403 at the scheduled time.

Hearing concluded.

Court in recess: 10:00 a.m.
Total In-Court Time 00:11

To order a transcript of this proceedings, contact Avery Wood Reports (303) 825-6119 or Toll Free 1-800-962-3345.