

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 12-cv-00036-REB-CBS
Date: February 23, 2012

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Robin Mason

Parties:

RAPID FUNDING, LLC.,

Plaintiff,

v.

JAMES RIVER INSURANCE COMPANY,

Defendant.

Counsel:

David K. TeSelle
Michael S. Burg
Thomas Willard Henderson, IV

Andrew M. Low
Kyle Wesley Brenton
Thomas P. Johnson

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 1:31 p.m.

Court calls case. Appearances of counsel.

Discussion regarding the reason that this lawsuit was filed and its relationship with the underlying case (07-cv-01146-CMA-BNB) before Judge Arguello. The trial before Judge Arguello is currently set to start on May 21, 2012.

Discussion regarding the bad faith judgment issued, whether the plaintiff's have a viable lawsuit, staying discovery and the impact it would have on the progress of the case, hiring experts, fact depositions, possible trial date setting, interrogatories, and requests for production.

Discussion regarding defendant's MOTION to Stay Discovery (Docket No. 13, filed on 2/22/2012).

ORDERED: The court will **GRANT in PART** and **DENY in PART** defendant's MOTION to Stay Discovery (Docket No. 13, filed on 2/22/2012). The motion is granted to the extent that all depositions and expert witness discovery under Rule 35 will be stayed. The motion is denied to the extent that the parties shall engage in written discovery

under Rule 33 and Rule 34. The court will require the parties to contact Magistrate Judge Shaffer's chambers (303.844.2117) within 72 hours of a jury verdict or an order vacating the trial (in case 07-cv-01146-CMA-BNB) so that it can be decided how to proceed with this case. Each side shall be limited to 25 interrogatories and 25 requests for production.

Discussion regarding defendant's non-referred MOTION for Judgment on the Pleadings Based on Res Judicata, Statute of Limitations, and Twombly (Docket No. 12, filed on 2/22/2012), NOTICE OF CASE ASSOCIATION (Docket No. 4, filed on 1/6/2012), the filing of an opposed discovery motion, and whether the parties feel talking about settlement would be beneficial.

The court advises the parties that they must comply with the meet and confer obligation prior to contacting Magistrate Judge Shaffer's chambers regarding any discovery disputes that may arise. The court further advises the parties that they are not to file any motions related to discovery disputes unless directed to do so by the court.

HEARING CONCLUDED.

Court in recess: 2:22 p.m.
Total time in court: 00:51

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