

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 12-cv-02279-PAB-KMT

KATHERINE DINES, an individual,

Plaintiff,

v.

TOYS “R” US - DELAWARE, INC., a Delaware corporation,

Defendant.

ORDER

This matter is before the court on “Motion to Modify Scheduling Order to Postpone Pretrial Conference Pending Resolution of Summary Judgment and Daubert Motions” [Doc. No. 126]. A response [Doc. No. 131] and a reply [133] have been filed and reviewed by the court.

Defendant seeks continuance of the final pretrial conference and entry of a final pretrial order on the basis that there are a number of outstanding motions, including a motion for summary judgment, which have not yet been fully briefed and which will likely not be ruled on within the next several months, much less before the currently set final pretrial conference. Defendant argues that the complexion of the case may change considerably depending on the court’s rulings on outstanding motions. Defendant urges the court to delay the final pretrial conference until after rulings on the outstanding motions so that the final pretrial order can be based on a more accurate posture of the case.

In this District final pretrial conferences are usually held approximately sixty days after the dispositive motions deadline, virtually guaranteeing that no ruling on those motions will have been rendered prior to the entry of the final pretrial order.¹ Nonetheless, litigants are expected to prepare the final pretrial order and attend the final pretrial conference where they usually will receive a trial setting. Generally, there is a significant amount of time between the entry of the final pretrial order and the trial date during which all remaining pretrial issues, including ruling on dispositive motions, will be resolved.

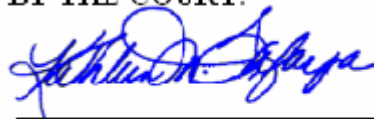
Under the standard procedures, a delay in entry of the final pretrial conference will result in a concomitant extension of the trial setting. This case was filed on August 27, 2012 so is already almost two years old. A further delay in setting the matter for trial is not warranted. The defendant has provided no compelling reason to delay the entry of the final pretrial order or to continue the final pretrial conference currently set for **July 8, 2014 at 10:00 a.m.**

It is **ORDERED**

Defendant's "Motion to Modify Scheduling Order to Postpone Pretrial Conference Pending Resolution of Summary Judgment and Daubert Motions" [Doc. No. 126] is **DENIED**.

Dated this 30th day of June, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge

¹ This is not a uniform practice and several District Judges do not set final pretrial conferences until after ruling on the dispositive motions. This procedure, however, is the exception rather than the rule.