

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

Civil Action No. 12-cv-02344-CMA-MJW

FTR - Courtroom A-502

Date: February 11, 2013

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

KELLY ROE,

Pro Se

Plaintiff(s),

v.

COMMISSIONER OF INTERNAL REVENUE,

Thomas J. Jaworski (by telephone)

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 2:00 p.m.

Court calls case. Appearances of *Pro Se* plaintiff and defense counsel.

Pursuant to D.C.COLO.LCivR 10.1 it is noted that the proper case number for this action is **12-cv-02344-CMA-MJW**. Parties are directed to edit their records accordingly.

Discussion is held regarding the Complaint (Docket No. 1), the Amended Complaint (Docket No. 16), the First Amended Complaint (Docket No. 27), and the Second Amended Complaint (Docket No. 30). It is noted that no one document contains all Causes of Action. Plaintiff is directed to file *ONE* Complaint (*THIRD AMENDED COMPLAINT*) which sets forth all of the Causes of Action she wishes to pursue, in numeric order.

It is ORDERED: On or before **FEBRUARY 15, 2013**, Plaintiff shall a ***THIRD AMENDED COMPLAINT*** which sets forth all Causes of Action Plaintiff wishes to pursue in one single document in proper format.

The following will confirm the actions taken and dates set at the scheduling conference held this date:

It is noted all parties **have consented** to the exercise of jurisdiction of a Magistrate Judge. However, the parties have not yet filed the required **Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction**.

The parties shall file the appropriate form on or before **FEBRUARY 15, 2013**.

Discussion is held regarding Plaintiff's Motion to Compel. Plaintiff makes an oral motion to

withdraw the motion to compel.

It is ORDERED: Plaintiff's ORAL MOTION TO WITHDRAW Motion to Compel, with no objections, is GRANTED. Therefore,

Plaintiff's MOTION TO COMPEL DEFENDANT TO MAKE THE INITIAL DISCLOSURES REQUIRED BY RULE 26(a)(1) [Docket No. **28**, filed February 08, 2013] is **WITHDRAWN**.

Defendant shall complete its Fed. R. Civ. P. 26(a)(1) disclosures on or before **MARCH 01, 2013**.

Joinder of Parties/Amendment to Pleadings: **MARCH 27, 2013**

Discovery Cut-off: **AUGUST 12, 2013**

Dispositive Motions Deadline: **SEPTEMBER 12, 2013**

Parties do not anticipate using any expert witnesses to testify in this civil action. Therefore, no deadlines for expert designations are set.

Interrogatories, Requests for Production, and Requests for Admissions shall be served on or before **JULY 09, 2013**.

Each side shall be limited to twenty-five (25) Interrogatories, twenty-five (25) Requests for Production, and twenty-five (25) Requests for Admissions, without leave of Court.

Each side shall be limited to ten (10) depositions. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court. All depositions, fact and expert witnesses, shall be completed no later than **AUGUST 12, 2013**.

Parties shall use deposition exhibits numbered in consecutive order, not separated as Plaintiff Exhibits or Defendant Exhibits. Parties shall not use any duplicative exhibits.

FINAL PRETRIAL CONFERENCE set for **NOVEMBER 12, 2013 at 9:00 a.m.** in Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

The proposed final pretrial order shall be filed on or before **NOVEMBER 05, 2013**.

In accordance with Fed.R.Civ.P. 16(e), the conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.

TRIAL:

The parties anticipate a three (3) day trial to the court.

The Honorable Christine M. Arguello will set a Trial Preparation Conference and Trial at a future date.

● Parties are directed to www.cod.uscourts.gov regarding Judicial Officers' Procedures and shall fully comply with the procedures and Practice Standards of the judicial officer assigned to try this case on the merits.

Anyone seeking entry into the Alfred A. Arraj United States Courthouse will be required to show a valid current photo identification. See D.C.COLO.LCivR 83.2B. Failure to comply with this

requirement may result in denial of entry to the courthouse.

Absent exceptional circumstances, no request for rescheduling any appearance in this court will be entertained unless a written request is made five (5) business days in advance of the date of appearance.

[X] Scheduling Order is entered with interlineations as an Order of Court. Parties shall file the Scheduling Order in its final form for the Court's signature **on or before MARCH 08, 2013, *nunc pro tunc*** to February 11, 2013.

Hearing concluded.

Court in recess: 2:43 p.m.
Total in-court time: 00:43

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