

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

Civil Action No. 12-cv-02535-RBJ-KMT

RON MILLER,

Plaintiff,

v.

BEST BUY CO., INC.,  
HSBC FINANCE CORPORATION, INC., and  
HSBC BANK NEVADA, N.A.,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

This matter is before the court on “Plaintiff’s Motion for Clarification of Magistrate’s Order Setting Rule 16(b) Scheduling Conference” (Doc. No. 32, filed March 6, 2013). The motion is **GRANTED**.

Default was not entered as to the defendants because an affidavit or declaration required by Fed. R. Civ. P. 55 was not filed, and the defendants, who have filed motions to dismiss on February 5, 2013 (Doc. Nos. 22 and 24), have “otherwise defended” pursuant to Fed. R. Civ. P. 12(a) and (b). (*See* Doc. No. 29.) The Clerk is directed to send Plaintiff a copy of Doc. No. 29.

The court notes that the defendants did not comply with the local and federal rules in serving Plaintiff with the motions to dismiss. Plaintiff is not registered in the Court’s Electronic Case Filing system. Therefore, pursuant to Rule 5.7E. of the Electronic Case Filing Procedures for the United States District Court for the District of Colorado, Defendants must serve copies of electronically filed pleadings, documents, or proposed orders according to the Federal Rules of Civil Procedure, and include a copy of the Notice of Electronic Filing to provide the Plaintiff with proof of the filing. Therefore, the defendants are **ORDERED** to send copies of the motions to dismiss and briefs in support of the motions to dismiss to Plaintiff at the address listed in the Court’s docket no later than **March 8, 2013**, and to file a certificate of service regarding the

same. Defendants shall serve Plaintiff with any other electronically filed documents according to the local and federal rules.

Plaintiff may respond to the Motions to Dismiss (Doc. Nos. 22 and 24) on or before **April 1, 2013**. Defendants may reply in accordance with D.C.COLO.LCivR7.1C.

The Scheduling Conference and other deadlines set in the Order Setting Rule 16(b) Scheduling Conference and Rule 26(f) Planning Meeting (Doc. No. 30) will not be continued.

Dated: March 7, 2013