

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02752-PAB-KLM

AURORA BANK FSB, a Federal Saving Bank,

Plaintiff,

v.

SHEA MORTGAGE INC., a California Corporation,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Protective Order** [Docket No. 17; Filed February 6, 2013] (the "Motion"). Pursuant to its Local Rule 7.1A. conferral obligation, Plaintiff states that Defendant "intends to oppose certain categories of documents as being treated as confidential under the Protective Order (e.g., [Plaintiff's] business records), but does not oppose the applicability of a Protective Order for other documents (e.g., borrowers' private loan information)." *Motion* [#17] at 1. It is unclear to the Court that both parties seek entry of the proposed Protective Order tendered with the Motion.

Although a Scheduling Conference in this matter will not be held until April 22, 2013, the Court made the parties aware of its procedure for handling contested discovery motions in the Order Setting Scheduling/Planning Conference. See *Order* [#7] § E.1. The parties have not followed this procedure in connection with the present dispute. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#17] is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that neither party shall file a contested discovery motion until after complying with the steps for following the Magistrate Judge's discovery dispute procedure, as stated below:

Step 1: Counsel meaningfully confer regarding one or more discovery disputes pursuant to Local Rule 7.1A. Counsel may choose to confer about only one dispute at a time or several disputes at once. This decision is up to counsel, not the Court.

Step 2: If discovery disputes are not resolved, counsel then agree on a mutually

convenient time to call the Court for a discovery hearing regarding all disputes about which they have fully conferred but failed to reach agreement. Call 303-335-2770.

No attorney can insist on contacting the Court for a discovery hearing at a time when another attorney is not available. If an attorney is not available for a conference call to the Court for a discovery hearing when contacted by opposing counsel, s/he must provide opposing counsel with alternate dates and times to contact the Court. This eliminates the possibility that one party will have an unfair advantage over another in preparation for a discovery hearing.

The Court is not responsible for assuring that multiple counsel for the same party are on the line for a telephone hearing. The Court requires only one attorney of record on the line for each party involved in the dispute. If counsel for a party want co-counsel for the same party to participate in the telephone hearing, they are responsible for ensuring that co-counsel are available to participate on the date and time chosen by them for the hearing.

The Court will not continue hearings based on the sudden unavailability of co-counsel for a party. As long as each party involved in the dispute is represented by at least one attorney of record, the hearing will proceed.

Step 3: When counsel call the Court for the discovery hearing, the judge's law clerks will ask counsel questions relating to the nature of the dispute. The law clerks will consult with the judge as necessary. If the judge determines that any documents are required for review prior to the hearing, counsel will be instructed to email such documents to the Court's chambers, and the hearing will be set at a mutually convenient date and time in the future.

Step 4: If no documents are necessary for review and the judge is immediately available, the call will be transferred to the courtroom and the hearing will be conducted. If the judge determines that the matter is complex and briefing is required, the judge will set a briefing schedule. If the judge is not immediately available, the hearing will be set at a mutually convenient date and time in the future.

Warning: **Filing a disputed discovery motion without permission from the court *will* result in the motion being stricken, and *may* result in the imposition of sanctions. To the extent that these procedures conflict with the Local Rules of the Court, these procedures take priority over the Local Rules.**

Dated: February 7, 2013