

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02764-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

CELIA SCHWARTZ, Legal Assistant for BVCF, in her official and individual capacities,
Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendant's Motion to Vacate and Reset October 22, 2014 Preliminary Scheduling Conference** [#147]¹ (the "Motion"). In the Motion, Defendant's counsel states that she is required to appear in a state court matter that conflicts with the October 22, 2014 preliminary Scheduling Conference. *Motion* [#147] at 1. Defendant further states that her counsel has "inquired about rescheduling" the state court hearing, but "has been unable to confirm whether a continuance is possible," and, therefore, filed the instant Motion in order to avoid the potential conflict. *Id.* at 2.

IT IS HEREBY ORDERED that the Motion [#147] is **GRANTED**.²

IT IS FURTHER ORDERED that the preliminary Scheduling Conference set for October 22, 2014 at 10:30 a.m. is **VACATED** and **RESET** to **October 29, 2014 at 10:00 a.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado. The parties need not comply with the requirements of Fed. R. Civ. P. 16 and 26(a)(1) and D.C.COLO.LCivR. 16.1 and 16.2. As noted in the Court's September 25, 2014 Minute Order [#145], the purpose of the initial conference is to consider the nature and status of the case, the timing for filing of any motions or responses,

¹ "[#147]" is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). The Court uses this convention throughout this Minute Order.

² The Court may rule on a pending motion at any time. D.C.COLO.LCivR 7.1(d).

and what discovery, if any, will be needed. Plaintiff and his case manager shall contact the court at **(303) 335-2770** on the above date and time in order to participate.

IT IS FURTHER **ORDERED** that the Clerk's Office shall electronically mail a copy of this Minute Order to the legal assistant for the Department of Corrections at the following address: doc_service_of_process@state.co.us, and shall mail a courtesy copy to the case manager for Plaintiff at his facility.

IT IS FURTHER **ORDERED** that, on receipt of this Minute Order, Defendant's counsel shall contact Plaintiff's case manager to inform him or her that the preliminary Scheduling Conference has been reset to a later date and ensure that Plaintiff is provided notice of this Minute Order, which may be accomplished by sending it to Plaintiff's case manager either via email or facsimile.

Dated: October 20, 2014