

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 13-cv-00068-REB-KLM

WALTER SMITH,

Plaintiff,

v.

FAMILY AUTO SALES, INC., d/b/a FAMILY TRUCK AND VAN, a Colorado corporation,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE &
CONTINUING TRIAL DATE**

Blackburn, J.

This matter is before me on the **Order and Recommendation of United States Magistrate Judge** [#37]¹ filed September 18, 2013. No party filed objections to the recommendation. Thus, I review the recommendation for plain error only. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no error, much less plain error, in the recommendation, I find and conclude that the recommendation should be approved and adopted as an order of this court.

Based on circumstances which have arisen in this case, the magistrate judge recommends that the trial currently set to commence January 6, 2014, be vacated and continued. In addition, the magistrate judge recommends that the combined Trial

¹ “[#37]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

Preparation Conference and Final Pretrial Conference set December 20, 2013, at 2:30 p.m., be vacated and reset to a later date. I agree with the recommendation of the magistrate judge.

THEREFORE, IT IS ORDERED as follows:

1. That the recommendation stated in the **Order and Recommendation of United States Magistrate Judge** [#37] filed September 18, 2013, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the combined Trial Preparation Conference and Final Pretrial Conference set December 20, 2013, at 2:30 p.m., and the trial set to commence January 6, 2014, at 8:30 a.m., are **VACATED** and **CONTINUED** pending further order;
3. That counsel **SHALL CONTACT** the court's administrative assistant, **Susan Schmitz**, at **(303) 335-2350** on **December 16, 2013, at 9:30 a.m.** (MST), to reschedule the combined Trial Preparation Conference and Final Pretrial Conference and the trial;
4. That counsel for the plaintiff shall arrange, initiate, and coordinate the conference call necessary to facilitate the setting conference. and
5. That the **Trial Preparation Conference Order** [#17] filed May 2, 2013, is **AMENDED** to the extent necessary to facilitate and implement these orders.

Dated December 9, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge