

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

Civil Action No. 13-cv-00158-RM-MJW

FTR - Courtroom A-502

Date: August 13, 2013

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

PATRICK G. HARTLEY,
individually and on behalf of others similarly situated,

Walker G. Harman, Jr.

Plaintiff(s),

v.

TIME WARNER NY CABLE, LLC,

Nathan D. Chapman

Josh A. Marks

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in Session: 2:39 p.m.

Court calls case. Appearances of counsel.

It is noted Mr. Harman has recently entered his appearance on behalf of the Plaintiff.

Status of the case is discussed.

Counsel for Plaintiff makes an Oral Motion to withdraw the motion filed by *Pro Se* Plaintiff, Motion for Certification Order. With no objections,

It is ORDERED: Plaintiff's ORAL MOTION to withdraw motion filed by *Pro Se* Plaintiff, Motion for Certification Order is GRANTED, for reasons as set forth on the record, therefore, Plaintiff's MOTION FOR CERTIFICATION ORDER: CLASS ACTION CERTIFICATION (F.R.C.P. [sic] 23) [Docket No. **24**, filed March 29, 2013] is **WITHDRAWN**.

Counsel for Plaintiff makes an Oral Motion to withdraw the motion filed by *Pro Se* Plaintiff, Plaintiff's motion to compel defendant to provide discovery pursuant to F.R.C.P. [sic] 37(a)(4). With no objections,

It is ORDERED: Plaintiff's ORAL MOTION to withdraw motion filed by *Pro Se* Plaintiff, Motion to Compel is GRANTED, for reasons as set forth on the record, therefore, Plaintiff's MOTION TO COMPEL DEFENDANT TO PROVIDE DISCOVERY PURSUANT TO F.R.C.P. [sic] 37(a)(4) [Docket No. **48**, filed June 10, 2013] is **WITHDRAWN**.

It is ORDERED: Plaintiff's MEMORANDUM IN SUPPORT OF PLAINTIFF'S NOTICE TO THE COURT AND MOTION TO CONTINUE FILED JULY 8, 2013 [Docket No. **63**, filed July 09, 2013] is **DENIED** for reasons as set forth on the record.

It is ORDERED: Plaintiff shall have up to and including **AUGUST 27, 2013** within which to respond to Defendant's MOTION TO COMPEL AND FOR ATTORNEYS' FEES [Docket No. **58**, filed July 03, 2013].

Plaintiff anticipates filing a motion to amend the complaint.

It is ORDERED: Plaintiff shall have up to and including **AUGUST 27, 2013**, if Plaintiff does determine an Amended Complaint is necessary, to file a motion to file an amended complaint, with the proposed amended complaint attached.

In anticipation of the filing of a Motion to File an Amended Complaint, Defendant's MOTION FOR PARTIAL DISMISSAL OF PLAINTIFF'S COMPLAINT AND/OR IN THE ALTERNATIVE TO STRIKE PLAINTIFF'S JURY DEMAND [Docket No. **45**, filed May 28, 2013] will be addressed by the Court when it decides the Motion to File an Amended Complaint.

Discussion is held as to scheduling of Plaintiff's deposition.

It is ORDERED: The deposition of Patrick Hartley shall be had **SEPTEMBER 03, 2013**. Counsel shall meet and confer to establish a time and location for the deposition. The SCHEDULING ORDER [Docket No. **23**, filed March 21, 2013] is amended to extend the discovery deadline for the limited purpose of taking the deposition of the plaintiff, Patrick Hartley, to September 03, 2013.

Defendant shall be permitted to file a motion to re-open Plaintiff's deposition if any documents needed for the deposition were withheld by the Plaintiff and are not produced prior to the deposition.

Hearing concluded.

Court in recess: 3:00 p.m.

Total In-Court Time 00:21

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