

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01156-RM-KLM

DAVID L. SMITH, and
M. JULIA HOOK,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **(Second) Motion for Sanctions Pursuant to Fed. R. Civ. P. 37** [#78], on Plaintiffs' **(Second) Motion for a Scheduling Conference and Scheduling Order Pursuant to Fed. R. Civ. P. 16 and D.C. Colo. LcivR 16.1** [#84], on Defendant's **Motion to Consolidate** [#93], on Plaintiffs' **Verified Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction, and Request for an Evidentiary Hearing** [#96], and on Plaintiffs' **Motion to Supplement [] Their Verified Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction, and Request for an Evidentiary Hearing** [#98].

IT IS HEREBY **ORDERED** that Plaintiffs' (Second) Motion for Sanctions Pursuant to Fed. R. Civ. P. 37 [#78] is **DENIED**. Plaintiffs' request is based on alleged conferral and discovery abuse. However, due to the filing of dispositive motions based primarily on jurisdictional issues, a Scheduling Conference has not been held and formal discovery has not begun in this lawsuit. Thus, there is no basis on which to enter sanctions against Defendant.

IT IS FURTHER **ORDERED** that Plaintiffs' (Second) Motion for a Scheduling Conference and Scheduling Order Pursuant to Fed. R. Civ. P. 16 and D.C. Colo. LcivR 16.1 [#84] is **DENIED as moot**. The Court has issued a Recommendation [#101] that this matter be dismissed in its entirety. Thus, there is no need to hold a Scheduling Conference or enter a Scheduling Order.

IT IS FURTHER **ORDERED** that Defendant's Motion to Consolidate [#93] is **DENIED**

as moot based on the pending Recommendation [#101] that the present matter be dismissed in its entirety.

IT IS FURTHER **ORDERED** that Plaintiffs' Verified Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction, and Request for an Evidentiary Hearing [#96] is **DENIED as moot** based on the pending Recommendation [#101] that this matter be dismissed in its entirety.

IT IS FURTHER **ORDERED** that Plaintiffs' Motion to Supplement [] Their Verified Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction, and Request for an Evidentiary Hearing [#98] is **DENIED as moot** based on the denial of Plaintiffs' Verified Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction, and Request for an Evidentiary Hearing [#96].

Dated: July 11, 2014