

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01156-MSK-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 Defendant's **Motion to Delay Requirements of Fed. R. Civ. P. 26(f)** [#43] and on Defendant's **Motion for Entry of a Protective Order** [#49].

IT IS HEREBY **ORDERED** that the Motion to Delay Requirements of Fed. R. Civ. P. 26(f) [#43] is **GRANTED**. The parties shall conduct a Fed. R. Civ. P. 26(f) conference within thirty days of resolution of Defendant's Motion to Dismiss [#9], if necessary.¹

IT IS FURTHER **ORDERED** that the Motion for Entry of a Protective Order [#49] is **GRANTED**. The Rule 26(f)(1) conference triggers the time for making initial disclosures and the time for commencement of discovery. Until the Rule 26(f)(1) conference is held, there is no deadline to make disclosures and no party is permitted to conduct discovery. See Fed. R. Civ. P. 26(a)(1)(C) and (d). Thus, Plaintiffs' attempt to propound discovery on Defendant is premature.

Dated: November 20, 2013

¹ The parties dispute whether a Rule 26(f) conference has already occurred. See *Response* [#4]. Regardless, as the Court has already informed Plaintiffs, discovery at this point of the litigation is premature. See *Minute Order* [#41]. If Defendant's Motion to Dismiss [#9] is not granted in full, the parties are directed to hold a Rule 26(f) conference to discuss the issues mandated by the Rule and to trigger the commencement of discovery. A Scheduling Conference will be held shortly thereafter to set discovery limits and deadlines in this matter.