

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Craig B. Shaffer**

Civil Action: 13-cv-02343-REB-CBS  
Date: November 13, 2013

FTR - Reporter Deck-Courtroom A402  
Courtroom Deputy: Courtni Covington

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Parties:

Counsel:

GERALD ELWELL, *et al.*,

Richard M. Paul, III

Plaintiffs,

v.

AIR LINE PILOTS ASSOCIATION,  
INTERNATIONAL,

Michael E. Abram  
David W. Furgason  
Marcus C. Migliore

Defendant.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: RULE 16(b) SCHEDULING CONFERENCE**

**Court in session: 10:46 a.m.**

Court calls case. Appearances of counsel. Plaintiff Gerald Elwell appears with counsel of record.

Discussion between the court and counsel regarding Defendant's **Motion to Dismiss** [Doc. No. 16], whether a motion for summary judgment would be more appropriate, the amount of discovery needed reflective of the needs in the case, and the related case filed in another district.

The court proposes Defendant withdraws their Motion to Dismiss and either or both parties file a motion for summary judgment on the limited question of liability. The court notes once that is determined, the parties would be in a better position to manage the case based on its actual needs. Counsel for Plaintiff notes his concerns with the court's suggestions.

Discussion between the court and the parties regarding certifying the case as a class action and how the parties can proceed most efficiently.

Defense counsel makes an oral Motion to Withdraw without prejudice their Motion to Dismiss and requests leave to file an Answer to the Complaint. Counsel for Plaintiff has no objection to the Motion being withdrawn.

**ORDERED:** Defense counsel's oral Motion is **GRANTED**. Defendant's Motion to Dismiss [Doc. No. 16, filed 10/18/2013] is **WITHDRAWN without prejudice**. Defense counsel shall file an Answer to the Complaint **on or**

**before November 27, 2013.**

The court reviews the proposed scheduling order with the parties. Parties have held a Rule 26(f) meeting and Rule 26(a) disclosures have been fulfilled.

**THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE:**

Deadline for Amendment of pleadings/Joinder of parties: **December 1, 2013**

Discovery Cut-off: **May 30, 2014**

Dispositive Motions deadline: **June 27, 2014**

Each side shall be limited to two (2) expert witnesses, absent leave of court.

Parties shall designate affirmative experts **on or before April 2, 2014.**

Parties shall designate rebuttal experts **on or before April 18, 2014.**

Each side shall be limited to ten (10) depositions, absent leave of court.

Each side shall be limited to twenty-five (25) Requests for Production, and twenty-five (25) Requests for Admission.

**Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.**

**FINAL PRETRIAL CONFERENCE and TRIAL PREPARATION CONFERENCE** is set for **October 31, 2014 at 3:00 p.m.** before Judge Robert E. Blackburn, separate order to issue.

Final Pretrial Order is due **no later than SEVEN (7) CALENDAR DAYS before the Final Pretrial Conference.** (See the court's website for Instructions for Preparation and Submission)

**TRIAL:**

The parties anticipate a three (3) day jury trial. The trial is set to began on **November 17, 2014 at 8:30 a.m.** before Judge Robert E. Blackburn, separate order to issue.

- Scheduling Order is signed and entered.

HEARING CONCLUDED.

**Court in recess: 11:36 a.m.**

Total time in court: 00:50

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