

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02682-RM-KLM

MARK KOLAKOWSKI,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC., a Delaware corporation doing business as Harbor Freight Tools, and  
MATT DEFAZIO, an individual,

Defendants.

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MINUTE ORDER

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ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's unopposed **Motion to Modify Scheduling Order** [#22] (the "Motion"). Plaintiff seeks an extension of the affirmative expert deadline, which occurred on May 15, 2014, for the sole purpose of allowing one expert, Ben T. Railsback ("Railsback"), to complete his expert report. According to D.C.COLO.LCivR 6.1(b), a motion for an extension of time shall state the length of the requested extension of time. However, it is unclear from the Motion how long of an extension will be required. Plaintiff states that "Mr. Railsback is unable to complete his evaluation of this case and complete his expert report until Defendants disclose information and documents requested in Plaintiff's written discovery requests, specifically, Harbor Freight's training, policy, and procedure manuals, incident reports, and Defendant Matt Defazio's employee file." *Motion* [#22] at 2. Plaintiff states that Defendants will not produce these items until a protective order is in place, although a proposed protective order has not yet been agreed on by the parties and submitted to the Court. Thus, although Plaintiff seeks an extension of the deadline until thirty days after production of the aforementioned discovery, the actual length of the extension sought by Plaintiff is indeterminable. Therefore, Plaintiff's Motion violates D.C.COLO.LCivR 6.1(b). Accordingly,

IT IS HEREBY ORDERED that the Motion [#22] is **DENIED without prejudice**.

Dated: May 23, 2014