

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03094-PAB-MEH

DIANA SLADEK and
DENNIS SLADEK,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,
ARONOWITZ & MECKLENBURG,
THOMAS MOWLE, and
MERS, a division of MERSCORP,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on March 19, 2014.

Plaintiffs' Motion for Clarification [filed March 18, 2014; docket #20] is **granted** as follows. The docket in this case shows that Plaintiffs were ordered to provide information for service of process by the U.S. Marshal on or before January 8, 2014 (docket #13); however, they did not provide such information until February 25, 2014 (docket #14). The Court immediately arranged for service and has received returns of service for Defendants Bank of America, N.A., Aronowitz & Mecklenberg and MERS reflecting that these Defendants were served on March 10, 2014. Because these Defendants have not yet appeared and have 21 days within which to file answers or other responses to the Amended Complaint, the Court will continue the Scheduling Conference to allow the parties to confer in accordance with Fed. R. Civ. P. 26(f).

Accordingly, the Scheduling Conference currently set for April 1, 2014 is **vacated and rescheduled** to **May 15, 2014 at 9:45 a.m.** in Courtroom A-501, on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. If this date is not convenient, the parties should confer with the parties and contact my Chambers to obtain an alternate date. Absent exceptional circumstances, no request for rescheduling will be entertained unless made **five business days prior** to the date of the conference.

The plaintiff shall notify all parties who have not entered an appearance of the date and time of the Scheduling Conference.

Lawyers whose offices are located outside of the Denver metropolitan area may appear at scheduling conferences by telephone. Please contact Chambers at (303) 844-4507 at least five

business days prior to the scheduling conference to arrange appearance by telephone. Lawyers appearing by telephone must ensure that the proposed Scheduling Order is filed electronically and by email no later than five business days prior to the scheduling conference, in accordance with the instructions in this minute order.

It is further ORDERED that counsel for the parties in this case are to hold a pre-scheduling conference meeting and jointly prepare a proposed Scheduling Order in accordance with Fed. R. Civ. P. 26(f) on or before **April 24, 2014**. Pursuant to Fed. R. Civ. P. 26(d), no discovery shall be submitted until after the pre-scheduling conference meeting, unless otherwise ordered or directed by the Court.

The parties shall file the proposed Scheduling Order with the Clerk's Office, and in accordance with District of Colorado Electronic Case Filing ("ECF") Procedures V.L., **no later than five (5) business days** prior to the scheduling conference. **The proposed Scheduling Order is also to be submitted in a useable format (i.e., Word or WordPerfect only) by email to Magistrate Judge Hegarty at Hegarty_Chambers@cod.uscourts.gov.**

Parties not participating in ECF shall file their proposed Scheduling Order on paper with the clerk's office. However, if any party in this case is participating in ECF, it is the responsibility of that party to file the proposed scheduling order pursuant to the District of Colorado ECF Procedures.

The parties shall prepare the proposed Scheduling Order in accordance with the form which may be downloaded from the Standardized Order Forms section of the Court's website, found at <http://www.cod.uscourts.gov/Forms.aspx>. All Scheduling Conferences held before a Magistrate Judge utilize the same scheduling order format, regardless of the District Judge assigned to the case.

Any out-of-state counsel shall comply with D.C. Colo. LAttyR 3 prior to the Scheduling Conference.

The parties are further advised that they shall not assume that the Court will grant the relief requested in any motion. Failure to appear at a Court-ordered conference or to comply with a Court-ordered deadline which has not been vacated by Court order may result in the imposition of sanctions.

Finally, the parties or counsel attending the Conference should be prepared to informally discuss the case to determine whether an early neutral evaluation is appropriate. There is no requirement to submit confidential position statements/letters to the Court at the Scheduling Conference or to have parties present who have full authority to negotiate all terms and demands presented by the case.

Anyone seeking entry into the Alfred A. Arraj United States Courthouse will be required to show a valid photo identification. See D.C. Colo. LCivR 83.2(b).