

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03135-RBJ-MJW

DOROTHY MURPHY, and  
HEATHER CREAZZO,  
*on behalf of themselves and all others similarly situated,*

Plaintiffs,

v.

LENDERLIVE NETWORK, INC.,

Defendant.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

District Judge R. Brooke Jackson has referred a number of motions to Magistrate Judge Michael J. Watanabe. (Docket Nos. 79, 80, 83.) Judge Jackson has also entered an order of reference granting the authority to handle discovery matters but not the authority to alter the scheduling order. (Docket No. 75.) Based on communications with Judge Jackson's chambers, it appears that the order of reference is intended to include the authority to extend the discovery cut-off but not other deadlines.

On October 21st and 22nd, 2014, Defendant served Plaintiffs with:

- Notice of deposition of Pat Motley on November 5<sup>th</sup> at 9:30 AM;
- Notice of deposition of Rosanne Jancevich on November 5<sup>th</sup> at 1:30 PM;
- Notice of deposition of Lynne Morytko on November 6<sup>th</sup> at 9:30 AM;
- Notice of deposition of Kathleen Jud on November 6<sup>th</sup> at 1:30 PM;
- Notice of deposition of Jamye Allen on November 7<sup>th</sup> at 9:30 AM;
- Notice of deposition of Lisa Nelson on November 7<sup>th</sup> at 1:30 PM;
- Notice of deposition of Nicole Davidson on November 10<sup>th</sup> at 9:30 AM;
- Notice of deposition of Dorothy Murphy on November 10<sup>th</sup> at 9:30 AM;
- Notice of deposition of Erica Hill on November 10<sup>th</sup> at 1:30 PM;
- Notice of deposition of Ceceille Binns on November 11<sup>th</sup> at 9:30 AM; and
- Notice of deposition of Heather Creazzo on November 11<sup>th</sup> at 9:30 AM.

On November 4, 2014, Plaintiffs served Defendant with:

- Re-notice of deposition of Richard Solheim on November 10<sup>th</sup> at 8:30 AM;
- Re-notice of deposition of Ingrid Manns on November 11<sup>th</sup> at 8:30 AM;
- Notice of deposition of Arron Spence on November 10<sup>th</sup> at 2:00 PM;

- Notice of deposition of Kacie Cortez on November 1<sup>st</sup> at 2:00 PM; and
- Subpoena for deposition of Geoffrey Geiersbach on November 1<sup>st</sup> at 10:00 AM.

The Court has considered the filings of the parties, the Federal Rules of Civil Procedure, and the relevant case law. Now being fully informed, it is hereby ORDERED that:

- Plaintiffs' Motion to Quash Depositions (Docket No. 67) and Defendant's Motion for Protective Order (Docket No. 82), are both **GRANTED IN PART** and **DENIED IN PART** as set forth more fully below;
- Plaintiffs' Motion to Appear by Telephone at Settlement Conference (Docket No. 74) is **DENIED AS MOOT** for the reasons set forth more fully below;
- The Scheduling Order (Docket No. 21) is **AMENDED** to extend the discovery cut-off date to November 26, 2014;
- All depositions currently scheduled to take place from November 5, 2014, to November 11, 2014, are **CANCELLED**;
- The eleven depositions noticed by Defendant may be re-noticed provided (1) that the depositions notices are served by 5:00 P.M. on Monday, November 10, 2014, and (2) depositions take place from Monday, November 17, 2014, through Friday, November 21, 2014, unless the parties file with the court a stipulation to the contrary. Defendant shall confer with Plaintiffs as to a "convenient and cost effective" schedule and location for these eleven depositions in accordance with Local Civil Rule 30.1, and Defendant shall file a notice with the Court setting forth both the results of that conferral effort and the dates and times of the newly scheduled depositions;
- The five depositions noticed by Plaintiffs may be re-noticed provided (1) that the depositions notices are served by 5:00 P.M. on Monday, November 10, 2014, and (2) that the depositions take place from Monday, November 24, 2014, through Wednesday, November 26, 2014, unless the parties file with the court a stipulation to the contrary. Plaintiffs shall confer with Defendant as to a "convenient and cost effective" schedule and location for these five depositions in accordance with Local Civil Rule 30.1, and Plaintiffs shall file a notice with the Court setting forth both the results of that conferral effort and the dates and times of the newly scheduled depositions;
- Based on the averments made in these motions and the parties' confidential settlement statements (separately e-mailed to chambers), I

find that a Settlement Conference is premature and would not be a good use of judicial resources. Accordingly, the Settlement Conference set on November 12, 2014, at 1:30 PM is **VACATED**. The parties may request that the Settlement Conference be reset after discovery is closed; and

- The parties shall bear their own costs and fees as to all three motions (Docket Nos. 67, 74, & 82).

Date: November 6, 2014

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