

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00447-PAB-KLM

JASON SPARKS,  
DEREK PARRIS, and  
ALEKSEY KAZAKOV,

Plaintiffs, and

DANIEL RAU,  
BRYAN CORBIN, and  
MICHAEL O'LOUGHLIN,

Plaintiffs/Counterclaim Defendants

v.

DEVIN BREESE, and  
TERRY BREESE,

Defendants, and

DUNCAN RACE CARS, INC., doing business as Springs Auto & Truck Service Center,  
Inc.,

Defendant/Counterclaim Plaintiff.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on non-party **Peak Performance, LLC's Motion for Protective Order** [#23]<sup>1</sup> (the "Motion"). Defendants filed a Response [#30] to the Motion and Peak Performance, LLC filed a Reply [#33] in further support of the Motion. The Motion does not comply with the Court's discovery procedures, which were made applicable to the case by the Scheduling Order. See *Civil Scheduling Order* [#20] at 5. Accordingly,

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<sup>1</sup> "[#23]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

IT IS HEREBY **ORDERED** that the Motion [#23] is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that if non-party Peak Performance, LLC wishes to bring the dispute addressed in the Motion or any other dispute related to this litigation to the attention of the Court, it shall do so by following Magistrate Judge Mix's discovery procedures. A copy of the discovery procedures is attached to this Minute Order.

IT IS FURTHER **ORDERED** that counsel for Defendants Duncan Race Cars, Inc. d/b/a Springs Auto & Truck Service Center, Inc. **shall provide** a copy of this Order and the attachment to counsel for non-party Peak Performance, LLC **on or before February 6, 2015**.

IT IS FURTHER **ORDERED** that counsel for Defendants Duncan Race Cars, Inc. d/b/a Springs Auto & Truck Service Center, Inc. **shall file a certificate** stating the date and method by which a copy of this Minute Order and the attachment were provided to counsel for non-party Peak Performance, LLC **on or before February 10, 2015**.

Dated: January 29, 2015