

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 14-cv-00852-CMA-BNB

WISE SPORTS NUTRITION, LLC, a Colorado limited liability company,

Plaintiff,

v.

ISATORI, INC., a Delaware corporation, and

Defendants and Counterclaim Plaintiff,

v.

PAUL WISE,

Third-Party Defendant.

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**ORDER**

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This matter arises on the parties' **Joint Motion to Vacate Scheduling Order and for New Scheduling Conference After Ruling on Motions** [Doc. # 52, filed 1/2/2015] (the "Motion to Vacate Schedule").

The action was commenced on March 24, 2014, by the filing of a complaint. [Doc. # 1]. An answer and counterclaim was filed on May 7, 2014. [Doc. # 11]. On June 30, 2014, the defendant filed a Motion for Partial Summary Judgment [Doc. # 15], and on July 3, 2014, the plaintiff filed a Motion for Stay of Discovery and Deadlines or Bifurcation. [Doc. # 18]. On July 8, 2014, I held a scheduling conference and entered a Scheduling Order. [Doc. # 22]. Among other things, the Scheduling Order required the disclosure of experts by January 2, 2015; disclosure of rebuttal experts by February 16, 2015; set a discovery cut-off of March 9, 2015;

established a dispositive motion deadline of April 9, 2015; and set a final pretrial conference on June 4, 2015.

The Motion for Stay [Doc. # 18] is pending.

The parties now seek to vacate the existing schedule and to set a new scheduling conference to occur after a ruling on the Motion for Stay [Doc. # 18] and Motion for Partial Summary Judgment [Doc. # 15]. In support, the parties note that “[p]ursuant to Local Civil Rule 30.2(a), discovery in this case has been stayed pending the ruling on iSatori’s motion to stay discovery.” Motion to Vacate Schedule [Doc. # 52] at ¶5.

Good cause having been shown, IT IS ORDERED:

- (1) The Motion to Vacate Schedule [Doc. # 52] is GRANTED, and the deadlines established in the Scheduling Order [Doc. # 22] are VACATED.
- (2) Within ten days after a ruling on the Motion for Stay [Doc. # 18] and/or the Motion for Partial Summary Judgment [Doc. # 15], the parties shall file a status report notifying me of the ruling and discussing any additional pretrial matters they believe should be scheduled.

Dated January 6, 2015.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge