

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 14-cv-02901-RM-KMT Date: January 26, 2015  
Courtroom Deputy: Sabrina Grimm FTR: Courtroom C-201

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Parties:

XTOMIC, LLC, a Colorado limited liability company,

Plaintiff,

v.

ACTIVE RELEASE TECHNIQUES, LLC, a Colorado limited liability company,

Tamir Goldstein  
Angela Whitford

ART CORPORATE SOLUTIONS, INC., a Colorado corporation, and

ART BUSINESS SOLUTIONS, LLC, a Colorado limited liability company,

Defendants.

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**COURTROOM MINUTES**

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**SCHEDULING CONFERENCE**

**9:27 a.m. Court in session.**

Court calls case. Appearances of counsel.

Discussion regarding stay. The parties have not filed a motion to request a stay at this time. Further discussion and argument regarding pending motions, pending state court case, declaratory relief,

Initial disclosures will not be exchanged until February 9, 2015.

**ORDERED: Plaintiff's Motion for Leave to Amend Its Complaint and Jury Demand [11] is GRANTED. Plaintiff shall file an amended complaint on or before January 30, 2015.**

**ORDERED: Defendants' Active Release Techniques, LLC, ART Corporate Solutions, Inc., and ART Business Solutions, LLC's Motion to Dismiss is DENIED AS MOOT with leave to refile, as discussed.**

**ORDERED: Defendants' Motion to Set Aside Clerk's Entry of Default [20] is GRANTED AS MOOT, due to Plaintiff filing an amended complaint.**

**ORDERED: Defendant may file a motion to stay within 5 days from today's hearing. Plaintiff's response to the motion to stay is due within 7 days of the filing of the motion. Defendants' reply is due 7 days after the filing of Plaintiff's response.**

**THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE.**

Each side shall be limited to 10 depositions, excluding experts.

Depositions shall not exceed 7 hours, without prior agreement or absent leave of court.

Each side shall be limited to 25 interrogatories, 20 requests for production, and 20 requests for admission.

Joinder of Parties/Amendment to Pleadings: February 16, 2015, subject to re-negotiation, if necessary.

Discovery Cut-off: August 31, 2015

Dispositive Motions Deadline: October 15, 2015

Each side shall be limited to 2 expert witnesses, absent leave of court.

Disclosure of Affirmative Experts: June 30, 2015

Disclosure of Rebuttal Experts: July 30, 2015

Written Discovery shall be served 33 days prior to the discovery cutoff.

**ORDERED: Telephonic Final Pretrial Conference is set for December 15, 2015 at 9:30 a.m. The parties shall initiate a conference call and contact chambers at 303-335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven days before the Final Pretrial Conference.**

Trial Preparation Conference and trial dates will be set by District Judge Raymond P. Moore. The parties are not in agreement regarding the length of trial.

Court states its practice regarding discovery disputes.

Discussion regarding setting a further hearing. Court advises parties to file a motion so the hearing can be set on Judge Moore's calendar.

**Scheduling Order entered.**

**10:10 a.m. Court in recess.**

Hearing concluded.

Total in-court time: 00:43

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.