

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03208-WJM-MEH

JUDITH BUTT, and
DONALD BUTT,

Plaintiffs,

v.

WRIGHT MEDICAL TECHNOLOGY, INC.,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on August 19, 2015.

Before the Court is a Joint Motion to Amend Scheduling Order [[filed August 18, 2015; docket #38](#)]. The parties' primary basis for seeking a six-month extension of discovery deadlines is the time period during which they had to wait "until the scope of discovery had been fully defined"; that is, until Judge Martinez issued a ruling on the Defendant's motion to dismiss. It appears that the time period between when the motion became ripe and when Judge Martinez granted the motion was less than four months. Accordingly, the motion is **granted in part and denied in part**.

For good cause shown, the Court will modify the paragraph 9 of the Scheduling Order as follows:

- | | | |
|------|--|-------------------|
| a. | Deadline for fact and expert discovery | February 29, 2016 |
| b. | Deadline for Dispositive Motions | March 31, 2016 |
| d.3. | Deadline for Plaintiff to designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) ¹ | December 21, 2015 |

¹The Court notes that the parties inserted dates into paragraph 9(d)(1) of the Scheduling Order, rather than "identif[ied] anticipated fields of expert testimony." See docket #15. However, the Scheduling Order calls for deadlines only for initial and rebuttal expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2).

d.4. Deadline for Defendant to designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2)

January 21, 2016

In addition, a Final Pretrial Conference will be held on **May 26, 2016 at 10:00 a.m.** in Courtroom A501 on the fifth floor of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

The parties shall submit their proposed pretrial order, pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures V.L. **no later than five (5) business days** prior to the pretrial conference. The proposed pretrial order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., WordPerfect or Word only) and shall be emailed to the Magistrate Judge at *Hegarty_Chambers@cod.uscourts.gov*.

Attorneys and/or pro se parties not participating in ECF shall submit their proposed pretrial order on paper to the Clerk’s Office. However, if any party in this case is participating in ECF, it is the responsibility of that party to submit the proposed pretrial order pursuant to the District of Colorado ECF Procedures.

The parties shall prepare the proposed pretrial order in accordance with the form which may be downloaded in richtext format from the forms section of the court’s website at <http://www.cod.uscourts.gov/Forms.aspx>. Instructions for downloading in richtext format are posted in the forms section of the website.

All out-of-state counsel shall comply with D.C. Colo. LAttyR 3 prior to the pretrial 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.

Please remember that 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).