

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Craig B. Shaffer**

Civil Action: 15-cv-00366-WYD-CBS  
Courtroom Deputy: Amanda Montoya

Date: April 21, 2015  
FTR – Reporter Deck-Courtroom A402

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*Parties:*

*Counsel:*

DEVITT BURRY,

Vicki Piontek

Plaintiff,

v.

CACH, LLC, *et al.*,

Manuel Newburger

Defendant.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: TELEPHONIC RULE 16(b) SCHEDULING CONFERENCE**

**Court in session: 08:58 a.m.**

Court calls case. Appearances of counsel.

The court received two proposed scheduling orders, one from each side. Parties disagree as to whether or not a 26(f) conference took place. Parties agree that e-mails were exchanged, but the substance of the e-mails are debated.

Discussion regarding settlement, pending motions, and depositions.

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

Each side shall be limited to **5** depositions.

Each side shall be limited to **15** interrogatories, **15** requests for production, and **15** requests for admission.

Discovery Cut-off: **July 20, 2015**

Dispositive Motions Deadline: **August 20, 2015**

Parties do not anticipate the use of experts.

Interrogatories, requests for Production of Documents and Requests for Admissions shall be served **no later than THIRTY THREE DAYS** prior to close of discovery.

**FINAL PRETRIAL CONFERENCE** is set for **September 29, 2015 at 9:00 a.m.**

Final Pretrial Order is due **no later than SEVEN (7) CALENDAR DAYS** before the **Final Pretrial Conference**.

(See the court's website for Instructions for Preparation and Submission)

**Counsel may not file any OPPOSED discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.**

The Plaintiff will send their initial disclosures to the Defendant today.

Further discussion regarding *Defendant CACH, LLC's MOTION [12] for Relief Pursuant to 28 U.S.C. § 1927*. Mr. Newburger makes oral motion to withdraw this motion without prejudice.

**ORDERED:** Mr. Newburger's oral motion is **GRATNED** and *Defendant CACH, LLC's MOTION [12] for Relief Pursuant to 28 U.S.C. § 1927* is **WITHDRAWN without prejudice**.

*Plaintiff's MOTION [20] for Leave to File a Sur-reply in Response to Defendant's Reply on the Motion for Relief Pursuant to 28 USC § 1927* is **GRANTED**.

The court suggests that counsel take depositions remotely or at least in the most cost efficient manner possible.

A formal Scheduling Order will not be issued. This Minute Order will act as the Scheduling Order.

Hearing concluded.

**Court in recess: 09:57 a.m.**

Total time in court: 00:59

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