

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00494-PAB-NYW

JDK LLC, a Colorado limited liability company,  
DEBORAH KOLASSA,  
JERRY KOLASSA, and  
S. MARK SPOONE,

Plaintiffs,

v.

PAUL A. TALBOT,  
MAX 1 FINANCIAL LLC, a Colorado limited liability company, and  
BROOKE TALBOT,

Defendants.

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**MINUTE ORDER**

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Entered by Magistrate Judge Nina Y. Wang

This civil action is before the court on Plaintiff S. Mark Spooone's ("Plaintiff") "Motion to Amend Scheduling Order; to Compel Deposition of Paul A. Talbot" (the "Motion"). [#125, filed March 28, 2016]. This matter was referred to this Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), the Order of Reference dated May 14, 2015 [#41], and the memorandum dated March 29, 2016 [#126].

On March 22, 2016, this court granted a joint motion to extend the discovery deadline to March 28, 2016. *See* [#123]. The instant Motion asks the court to extend this deadline again for the purpose of taking the deposition of Defendant Paul Talbot, whose deposition, scheduled for March 23, 2016, was unilaterally canceled by Plaintiff's counsel due to inclement weather. *See* [#125]. Defendant Talbot opposes the Motion.

The Honorable Philip A. Brimmer, the presiding judge in this matter, requires that any motion seeking an extension of time be filed no later than three days prior to the deadline at issue. PAB Practice Standards I.G.2. The instant Motion was filed on the last day of discovery, in contravention of Judge Brimmer's Practice Standards. Furthermore, I do not find that Plaintiff has stated good cause for the requested extension. *See* PAB Practice Standards I.G.1. Plaintiff knew as of March 23 that re-scheduling Defendant Talbot's deposition was the subject of a

dispute yet failed to contact the court to engage in any type of informal discovery dispute process. Additionally, it is unclear from the Motion why counsel for Plaintiff was not prepared to at least start Defendant Talbot's deposition on March 24, when he was presumably prepared to proceed with the entire deposition on March 23 but for the weather. Accordingly,

**IT IS ORDERED** that the Motion to Amend Scheduling Order; to Compel Deposition of Paul A. Talbot [#125] is **DENIED**.

DATED: March 30, 2016