

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00773-WJM-KLM

PING WANG, and,
VICTOR PEARN,

Plaintiffs,

v.

JARED WEEKS, Officer,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Motion to Vacate Scheduling Conference** [#6] ("Motion"). Plaintiffs move to vacate the scheduling conference set for June 16, 2016 on the basis that Plaintiffs' counsel has a trial scheduled for that week. Plaintiffs have not conferred with Defendant pursuant to D.C.COLO.LCivR 7.1, noting that Defendant has not yet been served and no counsel has entered an appearance. However, nothing in D.C.COLO.LCivR 7.1(b) waives the conferral requirement in such a circumstance. Further, there is no indication that the Motion has been sent or served on Defendant as required by Fed. R. Civ. P. 5(a)(1)(D). In the absence of such,

IT IS HEREBY **ORDERED** that the Motion [#6] is **DENIED without prejudice**. Nonetheless, in the interest of expedience, the Court sua sponte **VACATES** the Scheduling Conference set for June 16, 2016 at 10:00 a.m. and **RESETS** the Scheduling Conference for **July 11, 2016 at 9:30 a.m.** in Courtroom A-401 of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

IT IS FURTHER **ORDERED** that the parties shall submit their proposed scheduling order pursuant to the District of Colorado Electronic Case Filing ("ECF") Procedures. The parties shall submit the proposed scheduling order no later than **July 5, 2016**.

Dated: April 19, 2016