

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No.: 17-cv-02165-RM-MEH

BRIGHTVIEW LANDSCAPES, LLC,

Plaintiff,

v.

CONSOLIDATED DIVISIONS, INC., a Colorado Corporation,
DANIEL LEVINE, an individual,
RICHARD PETERS, an individual, and
JASON SESKO, an individual,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Unopposed Motion for Hearing on Preliminary Injunction and for Expedited Discovery¹ ("Motion") (ECF No. 9), which requests (1) the Court to set a hearing on Plaintiff's Motion for Preliminary Injunction (ECF No. 2); and (2) leave to conduct expedited discovery to be completed prior to any preliminary injunction hearing. Upon consideration of the Motion, and the court file, and being otherwise fully advised, the Court finds Plaintiff has established good cause for granting the Motion. *See, e.g.*, Fed. R. Civ. P. 26(d) (timing and sequence of discovery may be altered by court order); *Pod-Ners, LLC v. Northern Feed & Bean of Lucerne Ltd. Liab. Co.*, 204 F.R.D. 675, 676 (D. Colo. 2002) (expedited discovery may be granted upon a showing of good cause or where plaintiff seeks a

¹ Defendant Peters takes no position on the Motion; the other Defendants, subject to a caveat, do not oppose.

preliminary injunction). And, in light of Defendants'² stated basis for their non-opposition to the Motion and Plaintiff's counsel's affirmative representation that they will work with Defendants' counsel on reasonable terms for expedited discovery, at this time the Court will not (other than as stated herein) issue specific orders governing the scope of discovery to be had. The Court expects all parties (whether represented or not) to work together to establish a reasonable expedited discovery plan. If the parties are unable to reach an agreement on such a plan, or should issues arise concerning the scope of or any other matter regarding the expedited discovery, the parties shall jointly contact the Chambers of Magistrate Judge Michael E. Hegarty with any issues or disputes. Accordingly, the Court **ORDERS**³ as follows:

- (1) That Plaintiff's Unopposed Motion for Hearing on Preliminary Injunction and for Expedited Discovery (ECF No. 9) is **GRANTED** as stated herein;
- (2) That a hearing on Plaintiff's Motion for Preliminary Injunction (ECF No. 2) is set for **Tuesday, October 24, 2017, at 9:00 a.m.**, in Courtroom A601, at the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado;
- (3) That Plaintiff is granted leave to conduct the following expedited discovery related to its Motion for Preliminary Injunction: (i) Plaintiff may depose Defendants and other relevant witnesses upon four business days' notice; and (ii) Plaintiff may issue written discovery to which Defendants shall respond within ten (10) calendar days from the service thereof; and

² Except Defendant Peters, who is currently unrepresented.

³ The parties are also directed to review and comply with Judge Raymond P. Moore's Civil Practice Standards governing evidentiary hearings.

(4) That the parties shall jointly contact the Chambers of Magistrate Judge Michael E.

Hegarty with any expedited discovery issues.

DATED this 19th day of September, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge