UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO
UNIFORM CIVIL PRACTICE STANDARDS OF THE UNITED STATES MAGISTRATE JUDGES

Chief Magistrate Judge Michael E. Hegarty
Alfred A. Arraj United States Courthouse
Courtroom: A501
Chambers: A542

Magistrate Judge Scott T. Varholak
Alfred A. Arraj United States Courthouse
Courtroom: A402
Chambers: A432

Magistrate Judge N. Reid Neureiter
Alfred A. Arraj United States Courthouse
Courtroom: A401
Chambers: A442

Magistrate Judge James M. Candelaria
U.S. District Court / La Plata County Courthouse
Suite 150

Magistrate Judge Maritza Dominguez Braswell
Colorado Springs Courthouse
Courtroom: Suite 101
Chambers: Suite 100

Magistrate Judge Susan Prose
Byron G. Rogers United States Courthouse
Courtroom: C205
Chambers: C254

Magistrate Judge Kathryn A. Starnella
Byron G. Rogers United States Courthouse
Courtroom: C204
Chambers: C253

Effective: April 1, 2024

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I. INTRODUCTION

Pursuant to Fed. R. Civ. P. 83(b), the United States District Court for the District of Colorado's Magistrate Judges issue these Uniform Civil Practice Standards ("D.C.COLO.MJ") for the purpose of increasing accessibility. The following document contains the base instructions for appearing before each Magistrate Judge in our District. In some instances, individualized preferences are noted in the form of a table with **additional or substituted** instructions for each particular Magistrate Judge. The Magistrate Judges endeavor to update these Practice Standards as appropriate either upon an annual review or the appointment of a new Magistrate Judge.

Because of the District's caseload, it has been common for the District to have visiting Magistrate Judges from other Districts. For brevity and to avoid confusion, these visiting Magistrate Judges' practice standards are excluded from these Practice Standards. Parties appearing in federal court, including attorneys and *pro se* litigants, with cases before a visiting Magistrate Judge shall familiarize themselves with that Judge's practice standards.

1. The Court's Mission

The mission of the United States District Court for the District of Colorado is "to serve the public by providing a fair and impartial forum that ensures equal access to justice in accordance with the rule of law, protects rights and liberties of all persons, and resolves cases in a timely and efficient manner." Litigation is an emotional, stressful, time-consuming, and expensive process. The Court's mission is best served when litigants treat each other with civility. The notion that litigation is necessarily an "adversarial" process is misguided. It is possible for counsel and parties to disagree and zealously advocate their positions, while at the same time treating each other with courtesy and respect. Zealous advocacy "does not, under any circumstances, justify conduct that is unprofessional, discourteous, or uncivil toward any person involved in the legal system." Colo. RPC Preamble ¶¶ 5, 9; *see also* D.C.COLO.LAttyR 2(a). The Court expects nothing less than professionalism and respect toward each other and the Court.

2. The Role of Magistrate Judges

Magistrate Judges are judicial officers of the District Court appointed by the District Judges of the Court to handle a variety of judicial proceedings. They serve renewable eight-year terms. Colorado is a unique district in that it has two part-time Magistrate Judges (Durango and Grand Junction). Six full-time Magistrate Judge positions are allotted to Denver and one to Colorado Springs. Effective 2024, the Court has designated a Chief Magistrate Judge based on seniority to serve a four-year term.

In criminal cases, federal Magistrate Judges have the authority to issue warrants, and conduct preliminary proceedings, such as detention hearings. Magistrate Judges can preside over petty offense trials and misdemeanors with the consent of the defendants.

As a general rule, Magistrate Judges may preside over all aspects of a civil case with the consent of all parties (by filing the appropriate consent form). If not all parties consent, then a District Judge must preside over the litigation and the Magistrate Judge may continue on the case

to hear matters the District Judge refers (*e.g.*, convening scheduling and status conferences, determining pretrial matters such as discovery, issuing orders on non-dispositive motions, and providing recommendations on dispositive motions). Note, the District Judge must refer a specific filing to the Magistrate Judge in order for the Magistrate Judge to be able to rule on it. Pursuant to D.C.COLO.LCivR 72.3(b), parties may also consent to the assigned Magistrate Judge making the final determination of a dispositive motion (by filing the appropriate consent form).

By statute passed in 1990, the formal title for the position is "United States Magistrate Judge." Magistrate Judges should be referred to as "Magistrate Judge," "Judge," or "Your Honor." Similarly, the Chief Magistrate Judge should be referred to as "Chief Magistrate Judge," "Judge," or "Your Honor." Neither in written submissions nor in person should any Magistrate Judge be referred to as a "magistrate."

3. Purpose, Authority, and Application of These Practice Standards

Consistent with Fed. R. Civ. P. 1, these Practice Standards are intended to facilitate the just, speedy, and inexpensive determination of every civil action. These Practice Standards may be modified or supplemented by orders entered in specific cases.

Parties appearing in federal court, including attorneys and *pro se* litigants, must know and comply with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Electronic Case Filing Procedures, and the Local Rules of Practice (collectively, "Rules"). These Practice Standards should be applied in conjunction with those Rules, but in the event of a direct conflict, the Rules control.

Where a District Judge is the presiding judicial officer and there is a conflict between the two sets of standards, the District Judge's practice standards will apply with the exception of discovery motions, motions to restrict, and motions for a protective order.

4. Attorney Mentoring and Training

The Preamble to the Colorado Rules of Professional Conduct acknowledges that lawyers should "seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by the legal profession." These goals are best achieved when experienced lawyers provide inexperienced lawyers with opportunities to participate in judicial proceedings. The Court welcomes the participation of inexperienced attorneys for the purpose of learning and training. The parties should advise the Court prior to any hearing (including in any request for oral argument) if a less experienced lawyer will be arguing. Where appropriate, the Court may permit more experienced counsel of record to assist the less experienced attorney who is arguing. The Court encourages seasoned lawyers to facilitate the mentoring and development of these lawyers that will enrich the legal profession and the work of the United States District Court.

II. COMMUNICATION WITH CHAMBERS

Magistrate Judges' Chambers consist of the Judge, their law clerks, and an assigned courtroom deputy. When contacting Chambers directly, therefore, you are speaking with a professional—and in the case of law clerks, you are speaking with a lawyer. Please conduct all communications with the appropriate level of professionalism, and please instruct your staff to do the same.

The Court may not engage in *ex parte* communications with counsel or parties, except when the parties have consented for the purpose of discussing settlement. This means that unilaterally contacting Chambers is generally inappropriate. Chambers, however, is available to answer questions of an administrative or logistical nature. Depending on the Chambers, you may contact law clerks either at the phone number or email listed in the table below. Please keep in mind, however, that staff is not permitted to provide legal advice, interpret orders or rules, grant oral requests, or provide specific information about the progress of any pending motion.

Please direct questions regarding courtroom technology to the courtroom deputy. The courtroom deputy may also be contacted to obtain copies of the audio recordings.

All documents required to be submitted to Chambers pursuant to the Local Rules of Practice, court orders, or these Practice Standards shall be submitted via email to the Chambers' email specified in the table below. **Please include the case number, case name, and document description in the subject line of the email.** For information about electronic filing, please contact the Clerk's Office at (303) 844-3433. *Pro se* parties may contact the *Pro Se* Clinic at (303) 824-5395 regarding how to apply for authorization to e-file or see the instructions currently available through Electronic Case Filing (ECF) | US District Court of Colorado (uscourts.gov).

CHAMBERS CONTACT INFORMATION	COURTROOM DEPUTY CONTACT INFORMATION
Chief Magistrate Judge Hegarty (303) 844-4507 Hegarty_Chambers@cod.uscourts.gov	**Christopher Thompson** (303) 335-2326 Christopher_D_Thompson@cod.uscourts.gov
Judge Varholak (303) 335-2365 Varholak_Chambers@cod.uscourts.gov	**Monique Ortiz** (303) 335-2086 Monique_Ortiz@cod.uscourts.gov
Judge Neureiter (303) 335-2403 Neureiter_Chambers@cod.uscourts.gov	**Roman Villa** (303) 335-2112 Roman_Villa@cod.uscourts.gov

Judge Candelaria (970) 259-0542 candelaria_chambers@cod.uscourts.gov	**Patricia Berg** (970) 259-0542 Patricia_Berg@cod.uscourts.gov
Judge Dominguez Braswell (719) 575-0328 Braswell_Chambers@cod.uscourts.gov (email preferred)	**Elizabeth Lopez Vaughan** Elizabeth_LopezVaughan@cod.uscourts.gov
Judge Prose (303) 335-2722 Prose_Chambers@cod.uscourts.gov	**Tram Vo** (303) 335-2061 or (303) 335-2726 (courtroom) Tram_Vo@cod.uscourts.gov
Judge Starnella (303) 335-2770 Starnella_Chambers@cod.uscourts.gov	**Laura Galera** (303) 335-2104 Laura_Galera@cod.uscourts.gov

III. COURT APPEARANCE

1. Location

Unless otherwise communicated, all proceedings are conducted in person in the courtroom. Please be advised that anyone seeking entry into the courthouse will be required to show valid photo identification.

2. Decorum

Court time is valuable for all involved. Please be on time! Be prepared for any conference, hearing, or other setting. Unless directed otherwise, please observe traditional courtroom decorum by rising to address the Court and requesting permission to approach the bench and any witness. Even when appearing by teleconference or videoconference, you are appearing in Court and should dress and conduct yourself accordingly.

In this District, all proceedings before a Magistrate Judge are audio-recorded by the courtroom deputy. Accordingly, when speaking, **please speak into a microphone, this is the only method by which the proceeding is recorded**. Audio recordings may be requested from the courtroom deputy. For transcripts, please contact Patterson Transcription Company at (303) 755-4536 or AB Litigation Services at (303) 629-8534.

3. Remote Appearances

Since the COVID-19 pandemic, certain Magistrate Judges have been conducting routine conferences, such as scheduling conferences or status conferences, by telephone or videoconference rather than in person. Be sure to check whether a conference or hearing is set as in-person or remote (telephone/video). Litigants and counsel whose offices are located outside the Denver metropolitan area or who cannot reasonably make a personal appearance at a court setting may request to appear by telephone or videoconference. Requests to appear by telephone or videoconference may be made by calling Chambers or by emailing Chambers and copying all counsel of record **five (5) business days** in advance of the setting unless otherwise directed by the Court. Requests must set forth good cause for remote appearance. When a request is granted, all parties authorized to participate remotely must **jointly** contact the Court at the scheduled time of the hearing. Please introduce yourself each time because it is not clear who is speaking and mute your phone or videoconference when you are not speaking.

IV. SCHEDULING CONFERENCES

The Court may set a Scheduling Conference at its discretion or at the request of the parties. In advance of the Scheduling Conference, the parties and any unrepresented non-incarcerated parties shall hold a meeting in accordance with Fed. R. Civ. P. 26(f). They will meaningfully confer—face to face, by videoconference, or by telephone and not solely by written or email correspondence—and attempt in "good faith" to **jointly** prepare a proposed scheduling order.

The format of the proposed scheduling order should follow the Court's form "Proposed Scheduling Order and Instructions," which is available under "Forms and Instructions" on the Court's website. To the extent the parties want certain discovery protocols to apply (*e.g.*, employment cases), they should include them in the proposed scheduling order. As provided in the Court's form and pursuant to Fed. R. Civ. P. 26(f)(3), the proposed scheduling order should address Electronically Stored Information ("ESI") discovery, including preservation and production. Given the prevalence of technology and increasing usage of electronic devices, social media, and messaging applications, ESI discovery is needed in most cases. Because ESI discovery has unique considerations, it is imperative for parties to confer early on about ESI issues, including search terms, and the Court encourages parties to agree to an ESI protocol.

The parties should file the proposed scheduling order through ECF. *Pro se* parties who do not have access to the ECF system may submit requests directly to the Clerk's office; however, if another party in the case has access to the ECF filing system, that party shall bear the responsibility of filing the joint scheduling order.

If the Court, at its discretion, sets a Scheduling Conference, the parties should be prepared to discuss the specific facts of the case and their particular needs. Some typical issues that are covered during the Scheduling Conference may include: (1) the specific claims and legal principles of the underlying claims and the witnesses and evidence that will be used to support those claims; (2) the factual and legal bases for any affirmative defenses; (3) any special issues facing the parties; (4) the basis for the schedule proposed; (5) the scope of anticipated ESI discovery; (6) the manner

by which ESI will be exchanged; (7) the need for a Protective Order and/or ESI protocol; and (8) the status of any alternative dispute resolution attempts.

All attorneys who attend the Scheduling Conference shall ensure they have sufficient knowledge to intelligently discuss the claims and defenses of the case. The table below identifies each Magistrate Judge's additional requirements or instructions to the extent they have any.

JUDGE	INDIVIDUAL REQUIREMENTS FOR SCHEDULING CONFERENCES
Hegarty	Chief Magistrate Judge Hegarty generally sets a Scheduling Conference in each case and will almost always have a substantive discussion about the claims and defenses, the need for the requested discovery, and the potential of settlement. He requires the parties to **jointly email** Chambers a **Word copy** of the proposed scheduling order by the filing deadline.
Varholak	Judge Varholak will almost always set a Scheduling Conference but will usually approve a stipulated scheduling order and will only have a substantive discussion about the case if he has specific concerns with the proposed scheduling order.
Neureiter	Judge Neureiter will always set a Scheduling Conference and will almost always have a substantive discussion about the claims and defenses and the need for the requested discovery. Unless your case is particularly complicated, the presumptive number of depositions is almost never justified. Please be prepared to justify the requested number of depositions and amount of written discovery.
Candelaria	Judge Candelaria will almost always set a Scheduling Conference but will usually approve a stipulated scheduling order and will only have a substantive discussion about the case if he has specific concerns with the proposed scheduling order.
Dominguez Braswell	Judge Dominguez Braswell only sets a Scheduling Conference when she determines it is necessary, or when the parties request one. The parties may request a Scheduling Conference by including that request on the first page of the proposed scheduling order.
Prose	No additional requirements or instructions.

Starnella	No additional requirements or instructions.

V. MOTIONS PRACTICE

Motions filed in a case where the Magistrate Judge is the presiding Judge should comport with the standards set forth in this section. However, where the Magistrate Judge is the referral Judge, all motions—except discovery motions, motions to restrict, and motions for a protective order—must comply with the presiding District Judge's practice standards.

1. Duty to Meet and Confer

Prior to filing a motion or initiating the discovery dispute process, parties have a duty to meet and confer or make "good faith efforts to confer." *See* D.C.COLO.LCivR 7.1(a). When parties have substantive disagreements, such "good faith efforts" generally require meeting either face to face, over video conference, or by telephone, and not solely through email or written correspondence. Failure to comply may result in the motion being stricken or denied.

2. Formatting and Page Limits

For cases where the Magistrate Judge is the presiding Judge, parties should make reasonable efforts to use Westlaw citations. All typed motions shall be formatted with **Arial or Times New Roman black ink in 12-point font**. *Pro se* parties without computer access shall use best efforts to submit legible handwritten motions.

Parties shall prepare any exhibits attached to motions as follows: plaintiffs will number exhibits as Plaintiff's Exhibit 1, Plaintiff's Exhibit 2, etc. and defendants will number exhibits as Defendant's Exhibit A, Defendant's Exhibit B, etc. If the movant attaches exhibits to its reply brief, the exhibits' numbers/letters shall continue from those attached to the motion. Each motion or brief shall cite to an exhibit by its number/letter and not the document's name (*e.g.*, "Plaintiff's Exhibit 1 (Plaintiff's Deposition)" or "Plaintiff's Exhibit 1" not "Plaintiff's Deposition"). Each exhibit shall be filed as a **separate attachment** to the motion or brief in ECF and the file name shall reflect the exhibit's number/letter (*e.g.*, Plaintiff's Exhibit 1; Defendant's Exhibit A).

Excluding summary judgment, unless otherwise ordered, parties' motions and responses are limited to **fifteen (15) pages** and replies are limited to **ten (10) pages**. For summary judgment, unless otherwise ordered, motions and responses are limited to **twenty (20) pages** and replies are limited to **ten (10) pages**. Page limitations do not include the case caption, signature block, certificate of service, exhibits, or the Separate Statement of Facts table filed with summary judgment motions. Deviations from this rule will not be permitted without leave of Court, which will be granted only upon a showing of good cause. Any motion for leave to file excess pages shall be filed at least **one (1) business day** prior to the deadline for filing the brief at issue. Magistrate Judges may strike any motion or brief in whole or in part they consider to be verbose, redundant, unintelligible, immaterial, impertinent, scandalous, or that otherwise fails to comply with these standards and/or the applicable court rules.

3. Oral Argument

The parties may request oral argument, but the Court, in its discretion, may rule on motions without oral argument.[1]

4. Motions to Restrict

Parties seeking to file a motion to restrict access to confidential information must comply with D.C.COLO.LCivR 7.2 and failure to comply will result in the striking of the motion and the public availability of the information and documents at issue.

5. Motions for Protective Orders Governing the Exchange of Confidential Information During Litigation

Parties and counsel should meet and confer about the need for a protective order and engage in best efforts to agree on proposed language. Parties must file a **joint** motion that attaches their proposed protective order as an exhibit to the motion. If the parties cannot agree on language of the proposed order, the joint motion must describe the nature of the dispute and the parties must set forth the competing language in the proposed protective order itself.

The proposed order, however, must state that (1) the party designating information as confidential bears the burden of establishing that good cause exists for the disputed information to be treated as confidential and (2) the Court will not retain jurisdiction over a matter once the case is closed. The proposed order should not permit the filing of opposed discovery motions and should instead reflect the discovery dispute process discussed below (*see infra* D.C.COLO.MJ VI). The Court will generally not accept protective orders that are unilateral, *i.e.*, that only protect confidential information produced by one side. **Appendix A** has a model joint protective order parties can submit or modify to the particulars of their case.

Except for Judge Starnella, all Magistrate Judges require parties to **jointly** email Chambers a **Word copy** of the proposed protective order to more efficiently modify and docket orders.

For Judge Varholak, to the extent a party objects to the form of a protective order proposed by the moving party, the objecting party shall attach as an exhibit to its response to the motion a copy of the protective order proposed by the moving party which strikes through the text the objecting party proposes to delete and underlines the text the objecting party proposes to add.

6. Motions to Exclude Expert Testimony

The parties shall comply with the presiding District Judge's practice standards for any motion to exclude expert testimony referred to the Court. For matters where the Magistrate Judge is the presiding Judge, the following standards apply.

[1] If the parties seek oral argument as a training opportunity for new or inexperienced counsel, they should so indicate in their request for oral argument. *See supra* D.C.COLO.MJ I.4.

Unless otherwise ordered, all motions filed under Federal Rule of Evidence 702 and any motion to strike an expert (on the basis of a discovery violation) shall be filed no later than the deadline for filing dispositive motions that is set forth in the scheduling order. The opponent's failure to bring the motion does not relieve the proponent of the burden to show that the testimony is admissible at trial. The motion must identify with specificity each opinion the moving party wants to exclude and the grounds on which that opinion is challenged. The movant and respondent must state if they are requesting an evidentiary hearing and why it is necessary. If a hearing is set, at least **seven (7) days** prior to the hearing, the parties shall file a **joint** witness list and **joint** exhibit list and exchange any exhibits anticipated to be introduced at the hearing.

7. Motions for Extension of Time and Modification

Motions must comply with Fed. R. Civ. P. 6 and D.C.COLO.LCivR 6.1 and 7.1(a). Motions for extension of time or modification will be disfavored and they must be filed **three (3) business days** before the operative deadline. Motions must include a statement discussing the number of extensions previously granted and if that extension will affect other currently set dates. The movant must demonstrate that they have been diligent during the time allotted. Good cause must be shown, and the Court will take into consideration any potential prejudice to the opposing party.

8. Motions to Stay Discovery

The District of Colorado generally disfavors motions to stay discovery. However, the Court will consider such motions on a case-by-case basis.

9. Motions to Dismiss

To the extent the case is pending before a Magistrate Judge on consent, Fed. R. Civ. P 12(b) motions to dismiss are discouraged if the alleged defect is correctable by the filing of an amended pleading. Consistent with D.C.COLO.LCivR 7.1(a), the parties must confer prior to the filing of any motion. Where the alleged deficiency is correctable by amendment (*e.g.*, failure to plead fraud with specificity), the parties should exercise their best efforts to stipulate to appropriate amendments. If such a motion is nonetheless filed, the movant shall include a conspicuous statement describing the specific efforts undertaken to comply with this Practice Standard. Counsel is on notice that failure to comply with this Practice Standard may subject them to an award of attorney's fees and costs assessed personally against them.

10. Motions for Summary Judgment

The parties shall comply with the presiding District Judge's practice standards for any motion for summary judgment referred to the Magistrate Judge. For matters where the Magistrate Judge is the presiding Judge, the following standards apply.

A party may not file multiple motions for summary judgment without prior permission from the Court. This procedure contemplates a single motion by each "side." Plaintiffs whose

interests are aligned shall file a single motion for summary judgment. Similarly, defendants whose interests are aligned shall file a single motion for summary judgment.

All Magistrate Judges, except for Chief Magistrate Judge Hegarty and Judge Prose, require a **Separate Statement of Facts,** in the form of a table. If a Magistrate Judge requires this table, the moving party must initiate the table and provide an editable Word copy to opposing counsel. Opposing counsel shall fill in their responses and return the editable Word copy to the moving party, so the moving party can prepare the final table on reply. A sample table is set forth below.

SEPARATE STATEMENT OF FACTS

Moving Party's Undisputed Material Facts and Supporting Evidence	**Opposing Party's Response/Additional Facts and Supporting Evidence**	**Moving Party's Reply and Supporting Evidence**
1. Plaintiff's First Undisputed Fact. Ex. 1 (Defendant's Response to Interrogatory 3).	1. Undisputed.	
2. Plaintiff's Second Undisputed Fact. Ex. 2 (Deposition of John Doe), at 12:5-17.	2. Disputed. Although John Doe testified X, Jane Doe testified Y. Ex. A (Deposition of Jane Doe), at 4:1-6.	2. Jane Doe does not have personal knowledge of the issue and thus her testimony does not create a disputed issue of fact. Ex. A, at 10:11-19.
	3. Defendant's First Additional Fact. Ex. B (Plaintiff's Response to Request for Admission 5).	3. Undisputed.
	4. Defendant's Second Additional Fact. Ex. C (Deposition of Peter Doe), at 21:4-9.	4. Disputed. Peter Doe's testimony is contradicted by a contemporaneous email between John Doe and Jane Doe. Ex. 3 (Jan. 12, 2015 email exchange between John Doe and Jane Doe).

More specifically, the first column shall consist of the undisputed statements of material fact provided by the moving party. In the second column, directly adjacent to the recitation of the moving party's material facts and supporting evidence, the opposing party must state whether the fact is "disputed" or "undisputed." To the extent a fact is disputed, immediately following the word "disputed" in the second column, the opposing party shall state the nature of the dispute and include a specific reference to evidence in the record establishing that the fact is in dispute. If the opposing party believes there are additional material facts that have not been addressed by the moving party's statement (*e.g.*, facts regarding an affirmative defense), the opposing party shall set forth in the second column each additional material fact in a simple, declarative sentence supported by a specific reference to evidence in the record establishing that fact. Each of these additional material facts shall be numbered sequentially and presented in a separate row following the moving party's statement of material undisputed facts. In the third column, directly adjacent to the opposing party's statement regarding whether the fact is "disputed" or "undisputed," the moving party may include any factual reply regarding the opposing party's response. If the opposing party added additional material facts to the Separate Statement of Facts, the moving party also must state whether the additional facts are "disputed" or "undisputed" in the third column directly adjacent to the additional facts. To the extent a fact is disputed, immediately following the

word "disputed" in the third column, the moving party shall state the nature of the dispute and include a specific reference to evidence in the record establishing that the fact is in dispute.

A Magistrate Judge may have additional requirements or instructions with respect to summary judgment motions. To the extent they do, they are noted in the following table.

JUDGE	ADDITIONAL INDIVIDUAL REQUIREMENTS OR INSTRUCTIONS FOR MOTIONS FOR SUMMARY JUDGMENT
Hegarty	Parties need not file a separate "supporting" brief with the motion; all facts and arguments shall be contained in the single motion. Any party opposing the motion for summary judgment shall include a separate section in its response admitting or denying each of the moving party's undisputed facts. Each admission or denial shall be contained in a separately numbered paragraph corresponding to the moving party's paragraph numbering. Each denial shall be accompanied by a brief factual explanation and a specific reference to evidence in the record supporting the denial. If the party opposing the motion believes that there are additional material disputed facts that have not been addressed by the moving party's statement, the party, in a separate section of the brief, shall set forth each additional material fact in a simple, declarative sentence in a separately numbered paragraph. Each additional disputed fact must be supported by a specific reference to evidence in the record establishing that fact. If the moving party files a reply in support of its motion, it shall contain: (1) a separate section containing any factual reply the movant wishes to make regarding the opposing party's response to the moving party's statement of undisputed facts, made in separately numbered paragraphs corresponding to the moving party's original paragraph numbering; and (2) a separate section admitting or denying the additional disputed facts set forth by the opposing party, which shall be presented in the same format prescribed above for the opposing party to respond to the moving party's statement of undisputed facts.
Varholak	No additional requirements or instructions.
Neureiter	No additional requirements or instructions.
Candelaria	No additional requirements or instructions.

Dominguez Braswell	No additional requirements or instructions.
Prose	More than one motion for summary judgment will be allowed in narrow circumstances where threshold defenses are at issue. If the party opposing the motion believes that there are additional material disputed facts that have not been addressed by the moving party's statement, the party shall set forth each additional material fact in a separate section in separately numbered paragraphs. Each additional disputed fact must be set forth in a simple declarative sentence and supported by a specific reference to evidence in the record establishing that fact. The moving party shall then respond to each additional disputed fact, by paragraph number, in its reply.
Starnella	The above requirements do not apply to cases with at least one *pro se* litigant, instead all parties will adhere to the following steps: Step 1: Movant needs to provide a statement of undisputed facts in opening the brief, setting forth facts in a declarative sentence supported by specific reference to evidence in record establishing that fact, separately numbered and paragraphed. Step 2: Non-movant has to include a separate section in response brief that admits or denies movants undisputed facts (each numbered and paragraphed) and denials will include specific reference to evidence in record. If there are additional material disputed facts, put them in a separate section of brief (numbered and paragraphed) and reference to specific evidence in the record. Step 3: If the moving party replies, the reply needs to contain: separate section with factual reply to the response and movants undisputed facts (numbered and paragraphed corresponding movants original paragraph/numbers) and a separate section admitting or denying additional disputed facts set forth by non-movant in same format.

VI. DISCOVERY DISPUTES

Parties shall follow these procedures for their discovery disputes with one exception: these procedures **do not** apply to *pro se* litigants who are incarcerated. Other than the duty to confer under D.C.COLO.LCivR 7.1(a), these discovery dispute procedures also **do not** apply to third parties. For example, the subject of a third-party subpoena for documents or for a deposition may file a motion to quash without complying with the specific procedures. However, a dispute among the *parties* regarding third-party discovery is indeed a discovery dispute, and the parties must comply with these procedures.

1. General Information

To avoid unnecessary and expensive motions practice, a party may not file an opposed discovery motion without first complying with these discovery dispute procedures. Filing a disputed discovery motion without permission from the Court may result in the motion being stricken and the imposition of appropriate sanctions. In the event a party prevails in a discovery dispute, and regardless of whether the Court permits a discovery motion, the Court has the discretion to award reasonable expenses, including attorney's fees, consistent with Fed. R. Civ. P. 37(a)(5)(A).

2. Duty to Meet and Confer Before Filing

Parties or counsel must meet and confer in "good faith" in accordance with D.C.COLO.LCivR 7.1(a), either face to face, by videoconference, or by telephone and not solely by written or email correspondence. The duty to meet and confer requires counsel to be timely and responsive to opposing counsel's effort to confer. Parties should discuss their respective positions in detail and provide a legal and factual basis for each position and any compromise position that would be acceptable. See the table below for additional meet and confer requirements imposed by some Magistrate Judges.

3. Contacting Chambers with Discovery Disputes

If parties confer and do not successfully reach a resolution, parties must **jointly** contact Chambers. Some Magistrate Judges require telephone contact, others require outreach by email. See the table below for specific instructions associated with contacting each Magistrate Judge's Chambers.

4. Court Instructions/Resolution

The resolution of discovery disputes and the required submissions may vary depending on the Magistrate Judge and depending on the circumstances surrounding the disputes. However, where a discovery conference or hearing is ordered, it will be held on the record. If the matter is appropriate for immediate adjudication, the Court will issue an order on the record. If the matter requires additional briefing, the Court may set an expedited briefing schedule. No party shall submit documents for *in camera* review without prior permission from the Court.

See the table below for specific instructions regarding resolution of a discovery dispute before each Magistrate Judge.

JUDGE	INDIVIDUAL REQUIREMENTS FOR DISCOVERY DISPUTES
Hegarty	**Duty to Meet and Confer:** No additional requirements. **Contacting Chambers:** The movant must request a discovery conference with the Court by submitting an **email**, copying all parties, to hegarty_chambers@cod.uscourts.gov. *See* Fed. R. Civ. P. 16, cmt. 2015 Amend. **Court Instruction/Resolution:** In advance of the discovery conference, the parties may each prepare a short statement identifying the nature of the dispute(s) and provide the statements and any other documents and information that may assist in the resolution of the issues by email, copying all parties, to hegarty_chambers@cod.uscourts.gov. The Court will set a deadline for the permissive submissions when setting the conference. **Other**: No additional requirements.
Varholak	**Duty to Meet and Confer:** The parties must meet and confer **in person or on the telephone** and make a reasonable, good faith effort to resolve the discovery dispute without the need for judicial intervention. The parties must discuss their respective positions in detail, providing the legal and factual basis for each position, as well as any compromise position that would be acceptable. **Contacting Chambers:** If the parties' efforts to meet and confer are unsuccessful, the parties shall **jointly** call Chambers at 303.335.2365 to arrange for a discovery hearing before the Court on a time and date convenient for all parties. The parties should be prepared to discuss the sufficiency of the parties' meet and confer efforts and the need for briefing of the issues in dispute during this initial call. The parties may request to appear by telephone at the discovery hearing, but the Court encourages the parties to attend in person when practical. **Court Instruction/Resolution:** At least **three (3) business days** prior to the hearing, the parties shall submit via email (Varholak_Chambers@cod.uscourts.gov) a brief **joint** statement setting out each party's position with regard to each dispute. The joint statement should not be filed on the Electronic Court Filing system. The purpose of the Court's discovery dispute procedures, including the requirement of a

	joint statement in lieu of seriatim briefing, is to resolve the parties' discovery disputes in the most efficient and cost-effective manner possible. Thus, while the Court does not impose any specific page limitation on the parties' joint statement, the Court encourages the parties to be as succinct as possible, presenting a short statement of each dispute with citations to legal authority where appropriate. **Other**: The parties shall retain the original copy of all documents submitted to the Court during the discovery dispute process (*e.g.*, joint statements, discovery responses, documents submitted for *in camera* review) until **sixty (60) days** beyond the later of the time to appeal or the conclusion of any appellate proceedings.
Neureiter	**Duty to Meet and Confer:** No additional requirements. **Contacting Chambers:** Parties should **jointly** call Chambers at 303-335-2403 if there is a discovery dispute to schedule a prompt telephonic hearing. A failure to cooperate in the calling of Chambers to at least schedule the hearing may result in sanctions. **Court Instruction/Resolution:** In advance of the discovery dispute hearing, the parties should submit a Joint Dispute Statement ("JDS"), emailed to Chambers at least **two (2) business days** before any related hearing. The JDS must include statements of the parties' positions with regard to each disputed issue. Any disputed discovery requests (such as objections or disputed 30(b)(6) notices) should be attached as exhibits to the JDS. The Court encourages parties' statements to be as succinct as possible, presenting a short statement of each dispute with citations to legal authority where appropriate. This is NOT a brief. If discovery requests, responses, or 30(b)(6) notice are at issue, the parties shall attach these as exhibits to the JDS. **Other**: No additional requirements.
Candelaria	**Duty to Meet and Confer:** No additional requirements. **Contacting Chambers:** Parties may **jointly** call Chambers if there is a discovery dispute to schedule a prompt hearing. A failure to cooperate in the calling of Chambers to at least schedule the hearing may result in sanctions. **Court Instruction/Resolution:** In the event the Court orders a JDS, it must be emailed to Chambers at least **two (2) business days** before any related hearing. Unless otherwise ordered by the Court, a JDS must include a **joint** statement on the parties' positions with regard to each

	dispute. The Court encourages parties' statements to be as succinct as possible in the JDS, presenting a short statement of each dispute with citations to legal authority where appropriate. The JDS should also discuss and include headings for names of attorneys who participated in the discovery conferral and the date the conferences were held. If discovery requests or responses are at issue, the parties shall attach these as exhibits to the JDS. **Other**: No additional requirements.
Dominguez Braswell	**Duty to Meet and Confer:** No additional requirements. **Contacting Chambers:** Parties may only contact Chambers via **joint email** to Chambers. The email shall briefly describe the parties' conferral efforts, the disputes at issue, and offer three dates for a videoconference. If either party prefers an in-person conference they shall so indicate in the email. The law clerk may set a date for a discovery hearing. **Court Instruction/Resolution:** Judge Dominguez Braswell's Chambers will respond to your joint email and provide instructions on next steps. In the event the Court orders a JDS, it must be emailed to Chambers at least **three (3) business days** before any related hearing. Unless otherwise ordered by the Court, a JDS must include a joint statement on the parties' positions with regard to each dispute. The Court encourages parties' statements to be as succinct as possible in the JDS, presenting a short statement of each dispute with citations to legal authority where appropriate. The JDS should also discuss and include headings for names of attorneys who participated in the discovery conferral and the date the conferences were held. **Other**: No additional requirements.
Prose	**Duty to Meet and Confer:** Parties are allowed to confer over email but must wait at least **twenty-four (24) hours** for a response before proceeding. **Contacting Chambers:** Parties may only **jointly** email Chambers. The email shall briefly describe the parties' conferral efforts and the disputes at issue. **Court Instruction/Resolution:** Often the Court will ask the parties for a JDS ahead of a discovery hearing. If a JDS is required, the parties must prepare it **jointly** and email it to Chambers at least **three (3) business days** before any related hearing. Unless otherwise ordered by the Court, a JDS must include a joint statement on the parties' positions with regard

	to each dispute. The JDS should also discuss and include headings for names of attorneys who participated in the discovery conferral and the date the conferences were held. The page limits noted above apply to the JDS. If the Court permits a discovery motion to be filed, **ten (10) pages** each for motion and response. No reply without court leave. **Other:** D.C.COLO.MJ VI above notes these Discovery Dispute Procedures do not apply to *pro se* litigants who are incarcerated. Judge Prose expands that carve-out to include all *pro se* litigants.
Starnella	**Duty to Meet and Confer:** No additional requirements. **Contacting Chambers:** If the dispute concerns the taking of depositions or written discovery, parties must **jointly** email Chambers. The email shall briefly describe the parties' conferral efforts and the disputes at issue. If the dispute arises during an ongoing deposition, counsel must **jointly** call Chambers. **Court Instruction/Resolution:** If the dispute concerns written discovery (request for production, interrogatories, etc.), the parties must complete a written discovery dispute chart in the form on Judge Starnella's webpage. The chart must be emailed to Chambers at least **three (3) business days** before any related hearing. The chart may include citations to legal authority but shall not include legal argument or extensive factual information. The parties shall be prepared to make legal arguments at the hearing. **Other:** No additional requirements.

VII. SETTLEMENT CONFERENCES

1. In General

Procedures for obtaining a settlement conference vary. When a Magistrate Judge is the presiding Judge, they may refer the case to another Magistrate Judge for settlement purposes. If a Magistrate Judge is the referral Judge, parties should first review the Order of Reference. If that Order does not address settlement, parties should follow the District Judge's practice standards for requesting a settlement conference. If the Order of Reference includes authority to conduct a settlement conference, or if a Magistrate Judge is the presiding Judge, then the parties should follow each Magistrate Judge's requirements for requesting a settlement conference as set forth in the table below.

JUDGE	INDIVIDUAL REQUIREMENTS FOR REQUESTING SETTLEMENT CONFERENCES
Hegarty	Settlement conferences may be scheduled in various ways, including on the Court's own initiative. Parties may request a settlement conference at any time by raising settlement at a setting or by contacting Chambers, preferably by email.
Varholak	Unless otherwise instructed, parties shall request a settlement conference by filing a **joint** motion.
Neureiter	The Parties should always file a motion requesting a settlement conference explaining why a settlement conference before a federal judicial officer is justified (as opposed to using a private mediator).
Candelaria	Not applicable as Judge Candelaria does not typically hold settlement conferences.
Dominguez Braswell	Parties may request a settlement conference at any time by raising settlement at a setting or by contacting Chambers, preferably by email.
Prose	Parties may request a settlement conference at any time by raising settlement at a setting or by contacting Chambers, preferably by email.
Starnella	At any time after initial disclosures and one round of written discovery has been completed, parties may request a settlement conference by raising settlement at a setting or by contacting Chambers by email.

No parties are ever required to settle a case on any particular terms or amounts. However, if a settlement conference is ordered or agreed upon, all parties must participate in good faith pursuant to Fed. R. Civ. P. 16(f).

Parties acknowledge that by electing to have the Magistrate Judge conduct a settlement conference, the Magistrate Judge may become privy to information from the parties that the Magistrate Judge might not otherwise receive. By proceeding with a settlement conference before the Magistrate Judge, the parties agree that the Judge's participation in the settlement conference shall not be a basis to reasonably question their impartiality going forward in the event their case does not settle at the settlement conference. Counsel is ORDERED to discuss this dynamic with their client(s), and all *pro se* parties or counsel must certify in their confidential statement that they

or their client(s) have been advised of this dynamic and acknowledge that the Magistrate Judge's participation in the settlement conference shall not be a basis to reasonably question their impartiality going forward if the matter does not settle.

2. Party Attendance

Unless otherwise ordered, counsel shall have all parties present at settlement conferences, including all individually named parties or a representative of each named entity. Permission to attend a settlement conference remotely is disfavored and will be granted only in the most unusual circumstances. Any party seeking the remote attendance of a party or other representative should contact Chambers with opposing counsel to address the request. To the extent the Court permits a remote appearance, please know that the courthouse is not equipped with wireless access. The individuals appearing in person must bring a laptop and hotspot with them to connect with the individuals appearing remotely.

Judge Varholak will, for good cause shown, permit parties to appear by telephone. In such cases, the individuals in person must simply have a phone number at which the individual appearing by telephone may be reached. If everyone from one side is permitted to appear by telephone, then they shall provide to Chambers with one phone number at which every individual for that side (*i.e.*, counsel and parties/party representatives) may be reached at the time of the conference.

3. Full Authority

Counsel shall have in attendance all individuals with full authority to negotiate all terms and demands presented by the case, and full authority to enter into a settlement agreement, including, but not limited to, an adjuster, if any insurance company is involved. "Full authority" means that the person has full and unfettered capacity and authority to meet or pay all terms or amounts which are demanded or sought by the other side of the case without consulting with some other person, committee, or agency. If any person has limits upon the extent or amount within which he or she is authorized to settle on behalf of a party, that person does not have "full authority." This requirement is not fulfilled by the presence of counsel or an insurance adjustor alone. Counsel should raise any unique circumstance regarding full authority (*e.g.*, a government entity) with the Magistrate Judge in advance of the conference.

If any party or party representative attends the settlement conference without full authority, fails to attend the proceeding without prior Court approval, or fails to participate in the hearings in good faith, and the case fails to settle, that party may be ordered to pay the attorney's fees and costs of the other side.

4. Settlement Statements

To hold productive settlement discussions on the day of the conference, counsel shall prepare and submit **two** statements. The first statement will be emailed to the other party, copying Chambers' email. The second statement will be **confidential for the Magistrate Judge's eyes only, emailed only to Chambers**. Both statements must be emailed no later than **five (5) business**

days prior to the date of the settlement conference. Neither shall be docketed. Because incarcerated parties do not have email access, they shall mail their settlement statements to the Magistrate Judge at their courthouse's address with attention to the Magistrate Judge's Chambers.

Statements to the opposing party shall contain an overview of the case from the presenter's view and a summary of supporting evidence. The statement to the opposing party may also include a settlement demand or offer.

Confidential statements to Chambers shall contain any additional comments or information a party or counsel wishes to share with the Magistrate Judge, including comments with regard to the perceived weaknesses in your own case, information about the atmosphere or general context of any negotiations or discussions, and any other information that might aide in the resolution of the case. Some Magistrate Judges may decide to issue an order providing additional specific instructions ahead of a settlement conference. Any such order will supersede the directive set out in this section.

5. Pre-Settlement Conference Call

When feasible, the Court may request that lead counsel for each party separately call Chambers to schedule a fifteen (15) to twenty (20) minute call ahead of the settlement conference to discuss the nature of the case, the settlement demands, the respective positions of the parties, and any potential impediments to the settlement they might foresee.

6. Additional Settlement Conference Requirements

To the extent each Magistrate Judge imposes page limits for settlement statements or other requirements related to settlement conferences, the table below identifies them.

JUDGE	INDIVIDUAL REQUIREMENTS FOR SETTLEMENT CONFERENCES
Hegarty	If any party feels that the matter may not be ripe for resolution prior to a settlement conference, the parties must inform the Court by motion (when opposed) or by **jointly** emailing Chambers (if unopposed) to discuss dates for rescheduling or to vacate the Settlement Conference entirely. Submissions totaling **more than thirty (30) pages** must be submitted to Chambers in **hard copy** via regular mail or hand delivery. Counsel may call Chambers to discuss any unique issues with Chief Magistrate Judge Hegarty in advance of the settlement conference.
Varholak	Generally, only the confidential statement to Chambers will be required.

Neureiter	Statements are limited to **ten (10) pages**. The total number of pages of exhibits attached may not exceed **twenty (20) pages**. To the extent a party feels strongly that additional exhibits might be useful for settlement discussion purposes, they are permitted to bring a binder with additional exhibits to the settlement conference. Judge Neureiter requires separate pre-settlement conference calls with each counsel.
Candelaria	Not applicable as Judge Candelaria does not typically hold settlement conferences.
Dominguez Braswell	Statements to the opposing party are limited to **ten (10) pages**. Confidential statements to the Court are informational. They do not need to include arguments and can be relatively informal. The Court prefers the confidential statements as short letters to the Court.
Prose	Statements are limited to **ten (10) pages**. The total number of pages of exhibits attached may not exceed **twenty (20) pages**. To the extent that a party feels strongly that additional exhibits might be useful for settlement discussion purposes, they are permitted to bring a binder with additional exhibits to the settlement conference. Judge Prose also applies the D.C.COLO.MJ VII to early neutral evaluations and mediations.
Starnella	The confidential statement to Chambers (not to opposing counsel) must include the following information: (1) facts of the case; (2) a numbered list of the known significant disputed issues of fact; (3) computation of damages; (4) appropriate legal authority; (5) a numbered list of known significant disputed legal issues; (6) damages survey (settlements, bench trials, jury awards); (7) actual and anticipated costs of litigation; (8) history of settlement negotiations; (9) good faith evaluation of the value of the case, considering the facts, provable damages, damages limitations (if any), legal issues, witness strengths and weaknesses, procedural status, timing of trial, comparable case verdicts, any other relevant information, and a good faith explanation of counsel's valuation of the case; (10) preferences for how the settlement conference should be conducted; (11) any additional confidential comments the party or counsel wishes to make, such as observations about weaknesses in the opposing party's case; and (12) a settlement demand or offer. Parties may submit up to **one hundred (100) pages** of additional settlement materials (*e.g.*, deposition transcripts, exhibits, etc.) either by email or as hard copies, either to the Clerk of Court or directly to

	Chambers in an envelope marked, "Confidential and Private per Magistrate Judge Starnella Order."

VIII. TRIAL

In referral cases, a Magistrate Judge may hold the Final Pretrial Conference depending on the presiding District Judge's practice standards. When a Magistrate Judge presides over a case set for trial, the Magistrate Judge will hold a Final Pretrial Conference and a Trial Preparation Conference. Depending on the case, some Magistrate Judges will combine these as one conference. In advance of the Trial Preparation Conference, the Magistrate Judge will issue an order addressing their trial procedures and expectations, including exhibit and witness lists, motions in *limine*, trial briefs, *voir dire*, jury instructions, and verdict forms. Note, some Magistrate Judges have templates for certain trial submissions on their respective pages on the Court's website. Counsel are strongly encouraged to contact Magistrate Judges' courtroom deputies to coordinate a time before trial to practice using the courtroom's technology.

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

_____,

Plaintiff(s),

v.

_____,

Defendant(s).

JOINT PROTECTIVE ORDER

_____, United States Magistrate Judge.

Upon a showing of good cause in support of the entry of a protective order to protect the discovery and dissemination of certain confidential information, it is hereby ORDERED:

1. This Protective Order shall apply to all documents, materials, and information, including without limitation, documents produced, answers to interrogatories, responses to requests for admission, deposition testimony, and other information disclosed pursuant to the disclosure or discovery duties created by the Federal Rules of Civil Procedure.

2. As used in this Protective Order, "document" is defined as provided in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

3. Information designated "CONFIDENTIAL" shall be information that is confidential and implicates the privacy or business interests of the parties, including but not limited

to: medical and personal financial information, private personnel information, trade secrets, and other proprietary business information. CONFIDENTIAL information shall not be disclosed or used for any purpose except the preparation and trial of this case.

4. CONFIDENTIAL documents, materials, and/or information (collectively, "CONFIDENTIAL information") shall not, without the consent of the designating party or further Order of the Court, be disclosed except that such information may be disclosed to:

a. attorneys actively working on this case and persons regularly employed or associated with said attorneys whose assistance is required by said attorneys in the preparation for trial, at trial, or at other proceedings in this case;

b. the parties, including their designated representatives and counsel;

c. expert witnesses and consultants retained in connection with this proceeding to whom disclosure is reasonably necessary for this litigation;

d. the Court and its employees ("Court Personnel") and the jury at trial;

e. stenographic and video reporters who are engaged in proceedings necessarily incident to the conduct of this action;

f. deponents, witnesses, or potential witnesses;

g. the Colorado Division of Insurance, law enforcement officers, and/or other government agencies, as permitted or required by applicable state and federal law, including, but not limited to, C.R.S. § 10-1-128(5)(a) and Colo. Ins. Reg. 6-5-1;

h. anyone as otherwise required by law; and

i. other persons by written agreement of the parties.

5. Prior to disclosing any CONFIDENTIAL information to any person identified in sub-paragraph 4(c) (expert witnesses and consultants) or sub-paragraph 4(f) (deponents, witnesses, or potential witnesses), counsel shall provide such person with a copy of this Protective Order and obtain from such person a written acknowledgment stating that he or she has read this Protective Order and agrees to be bound by its provisions. All such acknowledgments shall be retained by counsel and shall be subject to *in camera* review by the Court if good cause for review is demonstrated by opposing counsel.

6. Documents are designated as CONFIDENTIAL by placing or affixing on them (in a manner that will not interfere with their legibility) the following or other appropriate notice: "CONFIDENTIAL."

7. Whenever a deposition involves the disclosure of CONFIDENTIAL information, the deposition or portions thereof shall be designated as CONFIDENTIAL and shall be subject to the provisions of this Protective Order. Such designation shall be made on the record during the deposition whenever possible, but a party may designate portions of depositions as CONFIDENTIAL after transcription, provided written notice of the designation is promptly given to all counsel of record within **thirty days** after notice by the court reporter of the completion of the transcript. All testimony shall be treated as CONFIDENTIAL information until the thirty-day period has expired.

8. A party may object to the designation of particular CONFIDENTIAL information by giving written notice to the party designating the disputed information. The written notice shall identify the information to which the objection is made and the basis for that objection. Pursuant to D.C.COLO.MJ VI.2, the Parties shall meet and confer in "good faith" in accordance with

D.C.COLO.LCivR 7.1(a). If the parties cannot resolve the discovery dispute within **ten business days** after the time the notice is received, the parties shall **jointly** contact Chambers pursuant to the discovery dispute procedures set forth in D.C.COLO.MJ VI.3–4. If this procedure is timely pursued, the disputed information shall be treated as CONFIDENTIAL under the terms of this Protective Order until the Court issues a ruling on the dispute. If this procedure is not timely pursued, the disputed information shall lose its designation as CONFIDENTIAL and shall not thereafter be treated as CONFIDENTIAL in accordance with this Protective Order. The party designating the information as CONFIDENTIAL shall bear the burden of establishing that good cause exists for the disputed information to be treated as CONFIDENTIAL.

9. Unless other arrangements are agreed upon in writing by the parties, within **thirty days** of the final determination of this action, each person or party who has received CONFIDENTIAL information shall be obligated to return the CONFIDENTIAL information, including any copies, to the designating party, or the receiving party may elect to destroy the CONFIDENTIAL information, including any copies, and certify that it has been destroyed. The receiving party, however, need not destroy or return (a) any Confidential information that it is required by law to maintain or (b) one archival copy of all deposition transcripts and all materials filed with the Court, regardless of whether such materials (including exhibits and appendices) contain or refer to CONFIDENTIAL information.

10. The termination of this action shall not relieve counsel or other persons obligated hereunder from their responsibility to maintain the confidentiality of CONFIDENTIAL information pursuant to this Protective Order. However, the Court will not retain jurisdiction over a matter once the case is closed.

11. Any request to restrict public access to materials designated as CONFIDENTIAL pursuant to this Protective Order must comply with the requirements of D.C.COLO.LCivR 7.2. The party seeking to restrict a document filed with the Court shall bear the burden of establishing that the document should be restricted.

12. This Protective Order may be modified by the Court at any time for good cause shown following notice to all parties and an opportunity for them to be heard.

DATED: ____ of _____, 20__

BY THE COURT:

_____
United States Magistrate Judge