

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

Civil Action No. 12-CV-2317-REB- KLM

BERNARD KENNETH MYERS,

Plaintiff,

v.

CITY OF LOVELAND, COLORADO,

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO REQUEST MAGISTRATE
JUDGE OVERSEE SCHEDULING ORDER AND FOR PLAINTIFF TO ATTEND VIA
TELEPHONE FOR SCHEDULING CONFERENCE**

DEFENDANT City of Loveland, Colorado ("City"), by and through its attorneys, Wick & Trautwein, LLC, and for its Response to Plaintiff's Motion to Request Magistrate Judge Oversee Scheduling Order and for Plaintiff to Attend Via Telephone for Scheduling Conference (#31, filed 10/18/2012), states as follows:

1. During a telephone conference between Plaintiff and defense counsel, Kent Campbell, on October 18, 2012, Mr. Campbell told Plaintiff that Mr. Campbell had no opposition to Plaintiff's request that he attend the scheduling conference scheduled before Magistrate Judge Mix on October 29, 2012, by telephone.

2. City is therefore not opposed to Plaintiff appearing for the scheduling conference by telephone.

DATED this 22nd day of October, 2012.

WICK & TRAUTWEIN, LLC

By: s/Kent N. Campbell
Kent N. Campbell
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2012, I electronically filed the foregoing DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO REQUEST MAGISTRATE JUDGE OVERSEE SCHEDULING ORDER AND FOR PLAINTIFF TO ATTEND VIA TELEPHONE FOR SCHEDULING CONFERENCE with the Clerk of Court using the CM/ECF system, and served a copy of the same to the following via U.S. mail, as follows:

Bernard Kenneth Myers
603 East 17th Street
Big Spring, Texas 79720
Plaintiff

s/Jennifer E. Jones