

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-01672-MEH

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY;
BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY; and
CITY OF BOULDER,

Plaintiffs,

v.

SUNCOR ENERGY (U.S.A.) INC.;
SUNCOR ENERGY SALES INC.;
SUNCOR ENERGY INC.; and
EXXON MOBIL CORPORATION,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 24, 2018.

The Joint Motion to Set Briefing Schedule for Remand Motion and to Stay Discovery until Plaintiff's Remand Motion is Decided [filed July 20, 2018; ECF No. 23] is **granted in part and denied without prejudice in part**.

For good cause shown, the request to set a briefing schedule for the remand motion is granted. Plaintiffs shall file a consolidated motion to remand, not to exceed forty pages (excluding exhibits), on or before August 31, 2018. Defendants shall file a consolidated response to that motion, not to exceed forty pages (excluding exhibits), on or before October 12, 2018. Plaintiffs may file a consolidated reply, if any, not to exceed twenty pages (excluding exhibits), on or before November 12, 2018. Defendants shall respond to the Amended Complaint within forty-five days of the ruling on the motion to remand, if such motion is denied.

However, the request for an indefinite continuance of discovery and initial disclosures is denied without prejudice. Although the Court would generally be inclined to grant such a motion, the preferences of the judicial officer ultimately responsible for the disposition of this case would govern. Accordingly, the parties shall file the magistrate judge consent form (ECF No. 11) indicating whether they accept or decline magistrate judge jurisdiction on or before the current deadline of July 26, 2018. If the parties consent to magistrate judge jurisdiction and re-file their motion, they shall articulate why a stay is proper under *String Cheese Incident, LLC v. Stylus Shows, Inc.*, No. 02-cv-01934-LTB-PAC, 2006 WL 894955, at *2 (D. Colo. Mar. 30, 2006).

Additionally, the parties state they will submit a proposed briefing schedule within thirty days of the Court's ruling on the motion to remand if the case is not remanded. However, the

motion does not articulate the anticipated subject of any post-ruling briefing. Therefore, the Court construes the parties' request as setting a deadline for filing a proposed scheduling order. Because this issue is contingent on an eventual ruling on the motion to stay, the Court will delay setting a proposed scheduling order deadline until a stay is imposed in this case.