IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02640-REB-KMT

WYERS PRODUCTS GROUP, INC., a Colorado corporation,

Plaintiff,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

JOINT MOTION TO RESET SCHEDULING CONFERENCE AND FOR LEAVE FOR DEFENDANT TO APPEAR BY TELEPHONE

Plaintiff Wyers Products Group, Inc. ("Wyers Products") and defendant Cequent Performance Products, Inc. ("Cequent"), by and through their undersigned counsel, respectfully submit this Joint Motion to Reset Scheduling Conference and for Leave to Appear by Telephone and, in support, state as follows:

Pursuant to **D.C.COLO.LCivR 7.1(A)**, undersigned counsel for the parties certify that they met and conferred regarding the relief requested herein, whereby counsel reached an agreement on behalf of the parties to submit this Joint Motion.

1. On May 17, 2013, the Court entered a Minute Order granting Wyers' Products Motion to Convene Scheduling Conference. Per the Court's Minute Order, a scheduling conference is currently set for June 3, 2013 at 10:00 a.m.

2. Lead counsel for Wyers Products will be in trial in Arizona on June 3, 2013 and, therefore, cannot attend the scheduling conference on that date.

3. Counsel for Wyers Products contacted Chambers by telephone to inquire regarding the next available date for the scheduling conference. The Clerk requested counsel to confer and propose a new date or dates on which all counsel may attend the scheduling conference.

4. All counsel are available to attend the scheduling conference at the following dates and times (with Cequent's counsel to appear by telephone):

June 11, 2013 between 1:00 p.m. and 3:00 p.m. MDT;

June 12, 2013 between 12:00 p.m. and 1:30 p.m. MDT; or

June 13, 2013 between 9:00 a.m. and 1:00 p.m. MDT.

5. The parties jointly request that the Court vacate the current setting for the scheduling conference on June 3, 2013, and reset the conference to occur on one of the dates and times as stated above in paragraph 4.

6. In order to appear at one of the dates and times stated above in paragraph 4, and to minimize expense and burden, Cequent's counsel seeks leave to appear at the scheduling conference by telephone. Wyers Products has no objection to Cequent appearing by telephone.

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion; vacate the current setting for the scheduling conference in this case and reset the conference to occur before Magistrate Judge Kathleen M. Tafoya on June 11, 2013 between 1:00 p.m. and 3:00 p.m. MDT, on June 12, 2013 between 12:00 p.m. and 1:30 p.m. MDT, or on June 13, 2013 between 9:00 a.m. and 1:00 p.m. MDT; and enter an

order granting leave for Cequent to appear through its counsel by telephone at the scheduling conference.

Date: May 24, 2013

Respectfully submitted,

Counsel for Plaintiff Wyers Products Group

s/ *Alexander C. Clayden*

Aaron P. Bradford, Esq.
Alexander C. Clayden, Esq.
Lathrop & Gage LLP
950 17th Street, Suite 2400
Denver, Colorado 80202
720.931.3200
abradford@lathropgage.com
aclayden@lathropgage.com

Counsel for Defendant Cequent Performance Products, Inc.

s/ *David B. Cupar*

David B. Cupar, Esq.
Matthew J. Cavanagh, Esq.
McDonald Hopkins, LLC
600 Superior Avenue East, Suite 2100
Cleveland, Ohio 44114
216.348.5100
dcupar@mcdonaldhopkins.com
mcavanagh@mcdonaldhopkins.com