

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 06-cv-00530-MSK-PAC

DARRELL TOUTANT,

Plaintiff,

v.

NATIONWIDE MUTUAL INSURANCE COMPANY,

Defendant.

PROCEDURAL ORDER

This case originated in the Boulder County District Court in 2003. Plaintiff Darrell Toutant and others sued several insurance companies, including Defendant Nationwide Mutual Insurance Company (“Nationwide”). The Plaintiffs in the underlying action purported to assert claims on behalf of a class.

After two-and-one-half years, some Defendants filed motions to sever and some of the Plaintiffs stipulated to severance. On February 24, 2006, the Boulder County District Court granted the stipulated motions, apparently creating a number of separate cases under the umbrella of one case number.

On March 24, 2006, Nationwide filed its Notice of Removal, as did several other insurance companies. Separate cases have been opened in this court and assigned to various judicial officers.

The transfer of filings from the state system to the federal system has not been seamless. It is not clear whether all of the severed cases have been removed or whether some remain in state

court. In addition, in this case counsel have tendered a CD-ROM purporting to contain an index, a set of pre-severance pleadings, and a set of post-severance pleadings. This CD-ROM is not part of this court's official record; indeed, the public cannot review it. In addition, because it is difficult to use, neither the Court nor the clerk's office can determine what matters are pending in this case. Accordingly, it is

ORDERED as follows:

1. All motions filed before removal of this case are hereby **DENIED** without prejudice to re-filing, so that the motions can be filed electronically in this court's CM/ECF system and assigned docketing numbers.
2. Plaintiff Darrell Toutant shall forthwith file the currently operative complaint.
3. On or before April 17, 2006, the parties will confer and file a status report containing, *inter alia*, (1) a listing of the severed plaintiffs in the state court case whose cases remain pending in state court, (2) a list of severed defendants whose cases remain in state court, and (3) the numbers and captions of the severed cases which have now been removed to federal court.
4. Any motion to consolidate this case with others shall be filed no later than April 17, 2006. The time for filing any response shall be as provided in the federal and local rules.

Dated this 10th day of April, 2006

BY THE COURT:



Marcia S. Krieger
United States District Judge