

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 06-cv-01958-WYD-MJW

FTR - Courtroom A-502

Date: August 25, 2009

Courtroom Deputy, Ellen E. Miller

JOEL LEDBETTER,
HEATH POWELL, and
DISA POWELL,

David P. Hersh
Sarah Van Arsdale Berry
Michael S. Burg

Plaintiff(s),

v.

WAL-MART STORES, INC., et al,

Brad A. Ramming

Defendant(s).

Sean M. Wells
John B. Savoca
Jose A. Ramirez
John M. Alten
Kenneth R. Fish
Franklin D. Patterson

COURTROOM MINUTES / MINUTE ORDER

HEARING: FINAL PRETRIAL CONFERENCE

Court in Session : 8:42 a.m.

Court calls case. Appearances of counsel. John B. Savoca is present on behalf of General Electric Company, and shall forthwith file an Entry of Appearance.

Discussion is held regarding the Plaintiffs' Motion to Compel. Mr. Savoca represents to the Court that the supplemental information requested will be promptly produced.

It is ORDERED: Plaintiffs' MOTION TO COMPEL PRODUCTION OF SUPPLEMENTAL DISCOVERY RESPONSES AND CUSTOMER COMPLAINT DATABASE ENTRIES FROM DEFENDANT GENERAL ELECTRIC COMPANY [Docket No. **200**, Filed August 24, 2009] is **denied as moot**, without prejudice and with leave to renew the motion for the requested materials If such materials are not produced **on or before SEPTEMBER 01, 2009**.

It is ORDERED: A **SETTLEMENT CONFERENCE** set **NOVEMBER 05, 2009 at 1:30 p.m.** in Courtroom A-502, Fifth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

Updated Confidential Settlement Statements are due to Magistrate Judge Watanabe (*not the*

trial judge) via e-mail, as a PDF attachment, at Watanabe_Chambers@cod.uscourts.gov **on or before NOVEMBER 02, 2009.**

All attorneys, parties and/or client representatives, including an adjustor if an insurance company is involved, with full settlement authority shall be present **in person** at the settlement conference. Anyone seeking entry into a United States Courthouse is required to show a valid current photo identification. See D.C.COLO.LCivR 83.2. Failure to comply with this requirement may result in denial of entry to the courthouse.

It is ORDERED: The proposed FINAL PRETRIAL ORDER which was tendered to the court, and modified from the bench, is made an order of court.

The parties anticipate a thirteen (13) day trial to a jury.

HEARING CONCLUDES.

Court in recess: 9:00 a.m.

Total In-Court Time: 00:18

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• PLEASE NOTE •

When submitting **Confidential Settlement Statements** to Magistrate Judge Watanabe via e-mail as a PDF attachment, the parties are required to enter in the **Subject line**:

1. Case Number
2. Date of the Settlement Conference
3. Short caption
4. "Plaintiff Confidential Settlement Statement"
OR
"Defendant Confidential Settlement Statement"

EXAMPLE: 00-cv-00123-LTB-MJW Settlement Conf. JUNE 12, 2009 at 1:30 p.m. Wells Fargo v. Smith Plaintiff CSS

When submitting **Proposed Final Pretrial Order** to Magistrate Judge Watanabe via e-mail , the parties are required to enter in the **Subject line**:

1. Case Number
2. Date of the Final Pretrial Conference
3. Short caption

GENERAL INFORMATION
FOR
SETTLEMENT CONFERENCES
BEFORE
MAGISTRATE JUDGE WATANABE

Counsel and pro se litigants **shall have parties present** who shall have **full authority** to negotiate all terms and demands presented by the case, and **full authority** to enter into a settlement agreement, including an adjuster if an insurance company is involved. "Full authority" means that the person who attends the settlement conference has the complete 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." **No party shall be permitted to attend the settlement conference by phone unless that party has obtained leave of Court following the filing of an appropriate motion, no later than five (5) business days prior to the settlement conference date.**

In order that productive settlement discussions can be held, the parties shall prepare and submit **two** settlement documents: one to be mailed to the other party or parties, and the other to be mailed only to the Magistrate Judge. The documents which are presented to opposing parties shall contain an overview of the case from the presenter's point of view, shall summarize the evidence which supports that side's claims, and shall present a demand or offer. These documents should be intended to persuade the clients and counsel or pro se litigant on the other side.

The document to be mailed to the Magistrate Judge shall contain copies of the above materials, but additionally shall contain any confidential comments which counsel or the pro se litigant wishes to make, any comments with regard to perceived weaknesses in the case and any comments which would be helpful to the magistrate in assisting the parties to negotiate a settlement.

ECF participants shall e-mail their Confidential Settlement Statements to chambers with a subject line *CONTAINING*: Case Number, short caption, date of conference, and "Confidential Settlement Statement" to: Watanabe_Chambers@cod.uscourts.gov, no later than five (5) business days prior to the settlement conference date or by any due date given by the Court. The Confidential Settlement Statement should be in PDF format and sent as an *attachment* to the e-mail. **Statements containing more than 15 pages should also be submitted to chambers on paper (hard copy)**, with the envelope addressed to "Magistrate Judge Watanabe Chambers, Personal and Confidential". Confidential Settlement Statements prepared by parties not represented by counsel, or without access to ECF, shall be submitted on paper to the Clerk's Office.

Anyone seeking entry into a United States Courthouse is required to show a valid current photo identification. See D.C.COLO.LCivR 83.2. Failure to comply with this requirement may result in denial of entry to the courthouse.