

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01760-WYD-MEH

THE MARIANIST PROVINCE OF THE UNITED STATES, INC., SOCIETY OF MARY,
PROVINCE OF ST. LOUIS, and at other times, RONCALLI HIGH SCHOOL,

Plaintiff,

v.

CENTURY INDEMNITY COMPANY in its own capacity and in its capacity as successor to CCI
Insurance Company as successor to INSURANCE COMPANY OF NORTH AMERICA,

Defendant.

PRELIMINARY ORDER RE: PLAINTIFF'S MOTION TO COMPEL

On October 6, 2010, the Court heard oral argument on Plaintiff's Motion to Compel Discovery [docket #123] and takes the matter under advisement. A continued hearing on the motion is scheduled for **October 25, 2010 at 1:30 p.m.** in Courtroom 203 of the Byron Rogers Federal Courthouse, 1929 Stout Street, Denver, Colorado 80294. In the meantime, the parties are ordered to perform the following:

1. The Plaintiff shall take the deposition of Eileen Voegele on or before October 20, 2010. The deposition may be taken by telephone. The scope of Ms. Voegele's deposition shall be her knowledge of the policy and practice of the Defendant, including any specific examples, with regard to requiring participation by a religious organization in a settlement before the company will help fund the settlement in those cases involving some kind of sexual misconduct.
2. On or before October 21, 2010, the Plaintiff shall file with the Court a status report concerning Ms. Voegele's deposition, together with a written transcript of the proceeding.
3. The Defendant shall perform a search of its claims files for the period 1990-1995 for

claims involving molestation, in which the insured was a religious organization, and in which the insured contributed toward settlement of the claim or a judgment. The search shall begin with the year 1990; once the search reveals five claims files matching the above description, the Defendant shall stop its search.

4. On or before October 21, 2010, Defendant shall file with the Court a status report describing its search efforts and the claims files found. The Court will then determine whether Defendant will produce the claims files for *in camera* review.

To facilitate the parties efforts in this regard, the Scheduling Order shall be amended at this time as follows:

Discovery cutoff (only for purposes of Eileen Voegelé's deposition):	October 21, 2010
Dispositive motions deadline:	November 22, 2010

In addition, the Final Pretrial Conference scheduled in this case for December 15, 2010 at 9:30 a.m. is hereby **vacated** and **rescheduled** to **January 24, 2011, at 9:45 a.m.** in Courtroom 203 on the second floor of the Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado. The parties shall submit their proposed pretrial order, pursuant to District of Colorado Electronic Case Filing ("ECF") Procedures V.L. **no later than five (5) business days** prior to the pretrial conference. The proposed pretrial order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., WordPerfect or Word only) and shall be emailed to the Magistrate Judge at *Hegarty_Chambers@cod.uscourts.gov*.

The parties shall prepare the proposed pretrial order in accordance with the form which may be downloaded in richtext format from the forms section of the court's website at www.co.uscourts.gov. Instructions for downloading in richtext format are posted in the forms section of the website.

All out-of-state counsel shall comply with D.C. Colo. LCivR 83.3C prior to the pretrial conference. The parties are further advised that they shall not assume that the court will grant the relief requested in any motion. Failure to appear at a court-ordered conference or to comply with a court-ordered deadline which has not be vacated by court order may result in the imposition of sanctions.

SO ORDERED.

Dated at Denver, Colorado, this 7th day of October, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge