

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 08-cv-01768-CMA-KMT

FTR

Date: January 14, 2009

Debra Brown, Deputy Clerk

Sheila Ann Stanley and
David Kim Stanley

Pro se (Telephone)
Pro se (Telephone)

Plaintiffs.

v.

Rashaan Davis

Pro se

Defendants.

COURTROOM MINUTES / MINUTE ORDER

SCHEDULING CONFERENCE

Court in Session: 9:05 a.m.

Court calls the case. Appearances of parties.

Discussion by the Court and the parties regarding Plaintiff's Emergency Motion for Continuance (filed with the Court on January 13, 2009) and not yet on the Court's docket.

ORDERED: Plaintiff's Emergency Motion for Continuance is **GRANTED in part and DENIED in part**. Plaintiff's are permitted to appear by telephone for today's hearing. The request to continue the hearing is **DENIED**.

Discussion by the Court and the parties regarding Plaintiff's MOTION for Preservation of Evidence [Document #2, filed August 19, 2008]. Defendant does not object to the motion.

ORDERED: Plaintiff's MOTION for Preservation of Evidence [Document #2, filed August 19, 2008] is **GRANTED** as stated on the record.

Discussion by the Court and parties regarding consent to jurisdiction of the magistrate judge for further proceedings.

All parties verbally consent to Exercise Jurisdiction of Magistrate Judge pursuant to 28 U.S.C. § 636(c) Fed. R. Civ. P. 73, and D.C.Colo.L.CivR 72.2. Mr. Davis executes the document in open Court. Plaintiff's will receive the form via e:mail and file appropriately.

[XX] Scheduling Order entered:

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE.

DEADLINES:

Joinder of Parties/Amendment to Pleadings: March 02, 2009
Fact Discovery: July 31, 2009
Dispositive Motions Deadline: August 31, 2009
Plaintiff's Disclosure of Experts: May 01, 2009
Defendant's Disclosure of Experts: May 01, 2009
Defendant's Rebuttal of Plaintiff's Experts: June 01, 2009
Plaintiff's Rebuttal of Defendant's Experts: June 01, 2009
Interrogatories: 33 days prior to discovery cut-off
Requests for Production of documents: 33 days prior to discovery cut-off
Requests for Admissions: 33 days prior to discovery cut-off

SETTLEMENT CONFERENCE set for **April 03, 2009 at 10:30 a.m. in Courtroom C-205, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado.**

ECF participants shall e-mail their Confidential Settlement Statements to chambers with a subject line "Confidential Settlement Statement" to: Tafoya_Chambers@cod.uscourts.gov, no later than five (5) business days prior to the settlement conference date. 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 Tafoya's 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.

All attorneys, parties and/or representatives with full settlement authority shall be present at the settlement conference. Valid photo identification is required to enter the courthouse. (See attachment for more information.)

FINAL PRETRIAL CONFERENCE will be set by the Magistrate drawn to the case.

ORDERED: Parties are directed to www.cod.uscourts.gov and shall fully comply with the procedures of the judicial officer assigned to try this case on the merits.

Absent exceptional circumstances, no request for rescheduling any appearance in this court will be entertained unless a written request is made FIVE (5) business days in advance of the date of appearance.

Court in Recess: 9:28 a.m.

Total In-Court Time 0:23; hearing concluded

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.

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.

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