

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

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ORDER FOR CALENDAR CALL

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Upon review of the files in the civil actions that are subject to this order, the Court has determined that trials should now be scheduled by convening a Calendar Call to be attended by trial counsel. Recognizing that discovery may not have been completed, that motions may be pending and that there have been no pretrial conferences held, the Court must depend upon counsel to provide necessary information in a **joint statement to be handed up when the case is called**. Accordingly, it is

ORDERED that counsel responsible for the trial of the cases on the attached list will appear at a Calendar Call on **October 2, 2009**, in Courtroom A, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado, at the time designated.

In all cases, counsel are directed to meet at least 10 days before the Calendar Call and prepare a joint status statement answering the following questions:

Has all discovery been completed?

Is it reasonable to expect that counsel will agree on a pretrial order  
without convening a pretrial conference?

Are any motions pending or contemplated?

Is this a jury trial?

What is the expected length of trial?

What is the probability of settlement?

These statements will be handed up at the Calendar Call, and will be considered in setting the trial date. Counsel responsible for the case must be present to respond to the court's questions. Trial dates are expected to be within six months of the Calendar Call.

Dated: July 23<sup>rd</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge

## CALENDAR CALL

October 2, 2009

**8:00 a.m.**

|            |                                                                                                                                                                                                |                                                                                                  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 07-cv-2246 | THOMAS E. HIGHAM v.<br>UNION PACIFIC RAILROAD COMPANY                                                                                                                                          | Ryan M. Furniss<br>Alice M. De Stigter                                                           |
| 08-cv-741  | RANDOLPH KELMAN v.<br>JAMIE FITZSIMONS                                                                                                                                                         | A. Thomas Elliott, Jr.<br>Jonathan A. Cross                                                      |
| 08-cv-1323 | BRYAN WILLMER and<br>LORI WILLMER v.<br>ABRAHAM ZIMROTH                                                                                                                                        | James H. Chalot<br>Jeffrey S. Wittebort                                                          |
| 08-cv-1398 | AMY V. WHITE v.<br>GREGORY P. NESSLER,<br>PETER J. NESSLER, JR., and<br>LAURA J. NESSLER                                                                                                       | William L. Keating<br>Michael O'B. Keating<br>Troy R. Olsen<br>Matthew Ralston<br>Adam Goldstein |
| 08-cv-1404 | VICTORIA HALL v.<br>BREDE EXPOSITION SERVICES d/b/a<br>BREDE-COLORADO                                                                                                                          | Dale A. Gaar<br>Kay H. Hodge                                                                     |
| 08-cv-1510 | THE ESTATE OF ALBERT AUGUSTINE<br>ROMERO by/through DEBRA CHRISTINE<br>ROMERO, Personal Representative v.<br>DENVER POLICE OFFICERS EDWARD ASH,<br>MARC SMITH and<br>CITY AND COUNTY OF DENVER | Douglas Romero<br>Timothy Edstrom<br>David J. Bruno<br>Sarah E. McCutcheon<br>Suzanne A. Fasing  |
| 08-cv-1616 | LORINDA MERCADO v.<br>RESOURCE ONE, d/b/a TERRA FIRMA, P.E.O.                                                                                                                                  | George C. Price<br>David Goldberg<br>Beth Regas                                                  |
| 08-cv-1756 | METROPOLITAN LIFE INSURANCE CO. v.<br>MAUREEN KEY-DEL DUCA                                                                                                                                     | Jack M. Englert, Jr.<br>Christopher R. Mosley                                                    |
| 08-cv-1899 | ADRIENNE M. MAERZ v.<br>NANCY SCARFFE and<br>JEFFERSON COUNTY SCHOOL DISTRICT R-1                                                                                                              | Tamara J. Wayland<br>Sean R. Dingle<br>Jason B. Harms<br>Michael W. Schreiner                    |
| 08-cv-2051 | BOBBY WILLIAMS v.<br>NANCY McCALLIN,<br>BARBARA McDONNELL,<br>CINDY HESSE, and<br>KRISTIN CORASH                                                                                               | Kevin C. Flesch<br>Douglas J. Cox<br>Christine K. Wilkinson                                      |

**8:30 a.m.**

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| 08-cv-2075 | REX PENLAND v.<br>DAVID DICK                                                                                                                    | Jennifer A. Hicks<br>Thomas A. Bulger<br>Michael C. Wathen                      |
| 08-cv-2224 | RONI LEVINE v.<br>COUNTRYWIDE FINANCIAL CORPORATION<br>d/b/a COUNTRYWIDE BANK, FSB                                                              | Charles F. Eddings<br>Eric P. Accomazzo<br>P. Christian Wolf                    |
| 08-cv-2266 | ANDREW WALTER and<br>MARION WALTER v.<br>UNITED STATES OF AMERICA                                                                               | James D. Hopkins<br>Karen L. Pound                                              |
| 08-cv-2290 | DAVID J. LEONARD v.<br>INFOCROSSING, LLC,<br>WIPRO LIMITED, and<br>SAMEER KISHORE                                                               | John R. Olsen<br>Bronwyn H. Pepple<br>Liza S. McKelvey                          |
| 08-cv-2329 | ROGER KINCADE v.<br>CENTURA HEALTH CORPORATION<br>d/b/a CENTURA HEALTH                                                                          | Karen H. Larson<br>Peter A. Sabey                                               |
| 08-cv-2336 | CHRISTOPHER L. SMITH v.<br>BNSF RAILWAY COMPANY                                                                                                 | Elwyn F. Schaefer<br>Andrew J. Carafelli<br>Andrew D. Ringel                    |
| 08-cv-2344 | DOUGLAS PERRY v.<br>TASER INTERNATIONAL, INC.                                                                                                   | David A. Lane<br>Jason B. Robinson<br>David T. Ballard                          |
| 08-cv-2405 | ERIC WINFIELD v.<br>THE CITY AND COUNTY OF DENVER,<br>DENVER POLICE DEPARTMENT OFFICERS<br>ANTONIO MILON,<br>GLEN MARTIN and<br>THOMAS JOHNSTON | Alan G. Molk<br>Thomas G. Bigler<br>Brian R. Reynolds                           |
| 08-cv-2411 | WILLIAM COLIN WARD a/k/a BILL WARD v.<br>BRUCE HARTMAN, Sheriff,<br>DAVID RYAN REPP, and<br>PATRICK STANTON                                     | William S. Finger<br>Tamara J. Wayland<br>Andrew D. Ringel<br>Edmund M. Kennedy |
| 08-cv-2574 | ALAN QUINTANA v.<br>JAMES E. CAMPBELL and<br>WERNER ENTERPRISES, INC.                                                                           | Rex B. Delmas<br>Stephen J. Baity<br>Peggy E. Kozal                             |

**9:00 a.m.**

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| 08-cv-2756 | LORIE CHRISTINE McKOWN v.<br>DAVID COPE and<br>VAIL SUMMIT RESORTS, INC.,<br>d/b/a KEYSTONE SKI RESORT                      | Daniel A. Lipman<br>James E. Puga<br>Peter W. Rietz<br>Maryjo C. Falcone                      |
| 08-cv-2800 | STEVE BARNHILL v.<br>IMPACT SALES, INC.                                                                                     | Brent K. Olsson<br>N. Dawn Webber                                                             |
| 08-cv-2811 | DEBRA ROMAN v.<br>DENVER COMMERCIAL BUILDERS, INC.,<br>d/b/a DCB CONSTRUCTION COMPANY, INC., &<br>SYSTEMS CONTRACTORS, INC. | Rosemary Orsini<br>Janet Savage<br>Amy K. Hunt<br>Sybil R. Kisken                             |
| 09-cv-20   | INGRID SIXBERRY v.<br>BARRET LESSENBERRY                                                                                    | Randal R. Kelly<br>Matthew Ralston                                                            |
| 09-cv-111  | CRAIG FINK v.<br>GENERAL INSURANCE CO. OF AMERICA                                                                           | Christopher B. Dominick<br>Troy Olsen                                                         |
| 09-cv-112  | THE SANBORN MAP COMPANY, INC. v.<br>PLANGRAPHICS, INC.                                                                      | David P. Hutchinson<br>David Tonini                                                           |
| 09-cv-121  | DUANE WILLIAMS v.<br>CITY OF AURORA,<br>MICHAEL MINISINI, and<br>DOUGLAS WILKINSON                                          | William W. Frankfurt<br>Kevin C. Flesch<br>Julia A. Bannon<br>Michael T. Lowe                 |
| 09-cv-431  | VICTOR FRANKS v.<br>SAFEWAY, INC.                                                                                           | Michael J. O'Malley<br>Jim Goh                                                                |
| 09-cv-748  | CHARLES FRANK LOFTICE v.<br>HOME DEPOT USA, INC.                                                                            | Bryan E. Kuhn<br>Daniel E. Friesen<br>Stephen M. DeHoff                                       |
| 09-cv-750  | PRESSTEK, INC.,<br>KEVIN RAY, PH.D., v.<br>EASTMAN KODAK COMPANY                                                            | James M. Lyons<br>Joy A. Woller<br>Jessica L. Grether<br>Andrew W. Volin<br>Theodore A. Olsen |