

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE**

Civil Action No. 08-cv-02173-LTB-KLM

ARIELLA WERDEN,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

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**ORDER**

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THIS MATTER is before the Court on Defendant's Motion to Strike Late-Disclosed Damages Claim (docket #65). For the reasons stated on the recording during the final trial preparation conference on March 12, 2010, it is

ORDERED that the Motion to Strike Late-Disclosed Damages Claim (docket #65) is **GRANTED**. It is

FURTHER ORDERED as follows:

(A) By Friday, April 2, 2010 counsel shall submit Jury Instructions which include: (1) a statement of the case instruction; (2) the substantive instructions on the law that governs the breach of contract claim; (3) damages instructions; and (4) verdict form. Stock instructions are not need. One hard copy of the Jury Instructions, with citation of authority, and also on a WPX3 disk shall be submitted. If the plaintiff is proposing a word, a clause, a sentence or a paragraph that the defense objects to, the plaintiff's

language shall be set forth in caps. Alternative language by the defense should be set out in brackets.

(B) Trial briefs highlighting the evidentiary issues expected to appear during the course of the trial may be filed by April 2, 2010.

(C) Counsel shall submit updated Exhibit and Witness Lists and proposed voir dire questions by April 2, 2010.

(D) Plaintiff shall submit a hard copy of the videotaped deposition transcript with the objections highlighted in red, or a notification that there are no objections, by April 2, 2010.

(E) Upon stipulation Plaintiff's UM Claim is withdrawn.

(F) Counsel shall be present at 8:30 a.m. on the first day of trial.

Dated: March 15, 2010

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock, Judge