

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

Civil Action No. 08-cv-02243-RPM-CBS

OLIVEA MARX,

Plaintiff,

v.

GENERAL REVENUE CORPORATION, and
KEVIN COBB,

Defendant.

RULING ON DAMAGES ISSUE AND ORDER SETTING TRIAL PREPARATION
CONFERENCE

Pursuant to the Order Setting Trial Date, entered December 29, 2009, the parties have filed trial briefs addressing the issue of the plaintiff's claim for compensatory damages under 15 U.S.C. § 1692k(a)(1) and particularly, the applicability of Colorado tort law. Upon review of the conflicting authorities cited, the opinion in *Davis v. Creditors Interchange Receivable Management, LLC*, 585 F.Supp. 2d 968 (N.D. Ohio 2008) is most persuasive. This determination on the contested point of law before trial may assist counsel in preparation for trial. It may also be helpful to discuss other issues and a preliminary view of jury instructions at a trial preparation conference. Accordingly, it is

ORDERED that Colorado tort law has no applicability to the compensatory damages recoverable in this action and no medical opinion testimony is essential to the plaintiff's claim for emotional harm and it is

FURTHER ORDERED that a trial preparation conference will be convened on **May 7, 2010, at 3:00 p.m.** in the Conference Room, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado.

DATED: April 8th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge