

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00591-REB-KLM

VIGILANT INSURANCE COMPANY, a New York corporation,

Plaintiff,

v.

ATMOS ENERGY CORPORATION, a Texas corporation, and
TONY VEIT BUILDERS, INC., a Colorado corporation,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the parties' **Stipulated Motion to Amend Scheduling Order** [Docket No. 19; Filed August 6, 2009] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The Scheduling Order entered on May 14, 2009 [Docket No. 11], and amended on July 1, 2009 [Docket No. 15], is modified to extend the following deadlines:

- | | |
|---------------------------------------|--------------------------|
| • Expert Disclosure Deadline | November 2, 2009 |
| • Rebuttal Expert Disclosure Deadline | December 2, 2009 |
| • Discovery Cut-Off | January 29, 2010 |
| • Dispositive Motions Deadline | February 15, 2010 |

IT IS FURTHER **ORDERED** that the Settlement Conference set for October 13, 2009 at 1:30 p.m. is **vacated** and **RESET** to **December 16, 2009 at 1:30 p.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

IT IS FURTHER **ORDERED** that counsel 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 adjustor 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 all terms or pay all amounts which are demanded or sought by any opposing party in the case without consulting with some other person, committee, or agency.

No party shall be permitted to participate in the settlement conference by telephone, 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.

IT IS FURTHER ORDERED that the parties shall follow Magistrate Judge Mix's Instructions for Preparation of Confidential Settlement Statements, a copy of which is attached to Docket No. 10.

Parties shall submit their Confidential Settlement Statement on or before **December 9, 2009**. Parties participating in ECF shall e-mail **ONLY** the Confidential Settlement Statement in PDF format to Mix_Chambers@cod.uscourts.gov. All additional settlement materials (e.g., depositions transcripts, exhibits, etc.) are to be submitted to the court as hard copies. Any additional material shall be delivered to the office of the Clerk of the Court or mailed directly to Magistrate Judge Mix in an envelope marked "Confidential and Private per Magistrate Judge Mix's Order". Parties not participating in ECF shall submit all materials as hard copies.

No party or attorney may make plans to leave or leave the scheduled settlement conference before 5:30 p.m. without obtaining express permission from the Court in advance. Any party or attorney who schedules travel which requires departure from the settlement conference before 5:30 p.m. WILL BE REQUIRED TO MAKE ALTERNATE PLANS if the case has not settled by the departure time.

Anyone seeking entry into the Alfred A. Arraj United States Courthouse or the Byron Rogers United States Courthouse will be required to show valid photo identification. See D.C.COLO.LCivR 83.2B.

Dated: August 24, 2009