

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00800-JLK-MEH

THOMAS MAHER,

Plaintiff,

v.

PRIVATE ESCAPES PLATINUM, LLC, and
ULTIMATE ESCAPES SIGNATURE CLUB, LLC,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on an **Unopposed Motion for Appearance By Telephone of Plaintiff Thomas Maher** [Docket No. 12; Filed May 12, 2009], an **Unopposed Motion for Appearance by Telephone of Defendant Ultimate Escapes Signature Club, LLC** [Docket No. 13; Filed May 13, 2009], and **Defendant Richard Keith's Motion for Leave to be Excused from Settlement Conference, or Alternatively, Unopposed Motion to Reschedule Settlement Conference** [Docket No. 14; Filed May 13, 2009].

IT IS HEREBY **ORDERED** that Defendant Keith's Motion [#14] is **GRANTED IN PART**. The settlement conference set for May 21, 2009 at 1:30 p.m. is **vacated** and **reset to June 3, 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 Plaintiff's Motion [#12] and Defendant Ultimate Escapes Signature Club, LLC's Motion [#13] are **DENIED**.

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.

Parties shall submit their Confidential Settlement Statement on or before **May 15, 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.

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

Dated: May 14, 2009