

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
U.S. Magistrate Judge Laird T. Milburn

Civil Action No. 09-cv-00931-MSK-LTM

HOME DESIGN SERVICES, INC.,

Plaintiff,

vs.

C & H BUILDERS, LLC,  
SJODEN WOOD DESIGNS, LLC,  
CHRIS SJODEN,  
JERRY W. PETERS, individually and d/b/a J.W. DESIGN,  
DONALD G. WALKER,  
TERESA S. WALKER,  
DAVID P. SMITH, and  
JANELYN M. SMITH,

Defendants.

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**MINUTE ORDER SETTING SETTLEMENT CONFERENCE**

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ORDER ENTERED BY MAGISTRATE JUDGE LAIRD T. MILBURN

Pursuant to the Order of Transfer from Judge Marcia S. Krieger issued on February 11, 2010, the above-entitled matter is to be set for a Settlement Conference.

**IT IS HEREBY ORDERED** that the above-entitled matter is scheduled for a Settlement Conference on October 18, 2010 at 10:00 a.m. in the United States District Court, 400 Rood Avenue, Room 310, Grand Junction, Colorado 81501.

**IT IS FURTHER ORDERED** that counsel shall have parties present who 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 or pay all terms or amounts which are demanded or sought by the other side of the case without consulting with some other person, committee or agency. If any person has limits upon the extent or amount within which he or she is authorized to settle on behalf

of a party, that person does not have “full authority.”

Settlement Conferences are often unproductive unless the parties have exchanged demands and offers before the conference and have made a serious effort to settle the case on their own. Before arriving at the Settlement Conference the parties are to negotiate and make a good faith effort to settle the case without the involvement of the Court. Specific proposals and counter proposals shall be made. If settlement is not achieved before the Settlement Conference, the parties shall be prepared to be engaged in further negotiation at the conference.

If the case will be tried by a jury, the Plaintiff shall bring to the Settlement Conference and be prepared to discuss proposed jury instructions which set forth each and every element of the claim the Plaintiff must prove at trial. In the case of a trial to the court, the parties shall be prepared to discuss burdens of proof.

Each party shall provide to the undersigned, in confidence, a confidential settlement statement which shall include any information helpful to the Court and which shall outline the settlement negotiations to date. The confidential settlement statements shall be submitted by no later than October 11, 2010. The documents shall be submitted to the Magistrate Judge at [Milburn Chambers@cod.uscourts.gov](mailto:Milburn_Chambers@cod.uscourts.gov) by e-mail in WordPerfect format, or the documents shall be submitted to the Magistrate Judge at U.S. District Court, P.O. Box 3208, Grand Junction, Colorado 81502.

The purpose of this Settlement Conference is to facilitate settlement of this case if that is appropriate. It will be conducted in such a manner as not to prejudice any party in the event settlement is not reached. To that end, all matters communicated to the undersigned in confidence will be kept confidential and will not be disclosed to any other party or to the Trial Judge. The undersigned, of course, will not serve as the Trial Judge in this case.

**DATED: June 14, 2010**

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