

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01032-MSK-CBS

TAMMY LAWRIMORE,

Plaintiff,

v.

MIMI'S CAFÉ a/k/a SWH CORPORATION,
a revoked California corporation, and
BOB EVANS FARMS, INC.,
an Ohio corporation,

Defendants,

ORDER GRANTING MOTION AND MODIFYING SCHEDULING ORDER

THE COURT, having reviewed the parties' Joint Motion to Modify the Scheduling Order, Request to Extend all Deadlines by Ninety (90) Days, and Request to Vacate Settlement Conference Date, and being fully apprised in the premises:

HEREBY GRANTS the parties' Joint Motion to Modify the Scheduling Order, Request to Extend all Deadlines by Ninety (90) Days, and Request to Vacate Settlement Conference Date (*doc. # 25*), and modifies the Scheduling Order as follows:

1. Discovery Cut-Off: **June 1, 2010.**
2. Dispositive Motions: **July 1, 2010.**
3. Designation of Affirmative Experts: **April 1, 2010.**
4. Designation of Rebuttal Experts: **May 1, 2010.**
5. The settlement conference has been rescheduled for **May 17, 2010 at 1:30 p.m. (Mountain Time)** in Courtroom A-402, Fourth Floor, of the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado.

Parties are to submit updates to their respective confidential settlement statements on or before **May 12, 2010**. Each statement should address the following:

- a. A candid assessment of the of the case from the presenter's point of view;
- b. A summary of the evidence which supports that side's claims;
- c. Remarks toward any perceived weaknesses in the case;
- d. Present a demand or offer each client will accept or pay in settlement (*including any essential non-economic terms*); and
- e. Any observations or additional information which would be helpful to the magistrate in assisting the parties to negotiate a settlement.

****Parties are advised that pro-forma or standard settlement memos are not helpful.****

Parties shall e-mail their Confidential Settlement Statement, not to exceed fifteen (15) pages (including any attachments), in PDF format to Shaffer_Chambers@cod.uscourts.gov. Statements that are over fifteen (15) pages are to be submitted to the court as hard copies and shall be delivered to the office of the Clerk of the Court in an envelope marked "PRIVATE PER MAGISTRATE JUDGE SHAFFER'S ORDERS".

Counsel are **ORDERED** to 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 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.

No party shall be permitted to attend the settlement conference by phone, 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.

No person is ever required to settle a case on any particular terms or amounts. However, if any person attends the settlement conference without full authority, and the case fails to settle, that party may be ordered to pay the attorneys' fees and costs for the other side.

Please remember that anyone seeking entry into the Alfred A. Arraj

United States Courthouse will be required to show valid photo identification. See D.C.COLO.LCivR 83.2B.

DATED at Denver, Colorado, this 4th day of January, 2010.

BY THE COURT:

s/Craig B. Shaffer _____

Craig B. Shaffer

United States Magistrate Judge