

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01444-JLK-MJW

CHARLES W. BEYER,

Plaintiff,

v.

FORD MOTOR COMPANY, INC.,

Defendant.

ORDER

KANE, J.

This maximum value \$83,000 lemon law action has just been removed to federal court by Defendant Ford Motor Company based on diversity jurisdiction. Seventy-five thousand dollars is the minimum amount in controversy that would support removal under 28 U.S.C. § 1332. Ford came in just under the wire in terms of establishing a prima facie case of federal jurisdiction.

Plaintiff, a Breckenridge resident, filed his Complaint, *pro se*, in Summit County District Court on May 20, 2009. The parties immediately began discussing an informal resolution of the matter. The documents submitted with Ford's Notice of Removal include an Unopposed Motion for an Extension of Time (Doc. 1, Ex. 3), filed by Ford, in which it sought an extension to August 7, 2009, to file any Answer or other response to

Plaintiff's Complaint because the parties were "engaged in settlement discussions" and were requesting "ample time to reach a resolution of th[e] case without unnecessary litigation." *Id.* Rather than resolve the case, however, Ford incurred the attorney costs and \$350 filing fee to remove the case to federal court, only to move here to dismiss the action under a 2003 state court court "Ruling and Order" construing Colorado's lemon-law statute arguably in its favor. *See* Mot. Dismiss (Doc. 6).

The Motion to Dismiss is DENIED and all pretrial proceedings are STAYED until such time as the magistrate judge assigned convenes a settlement conference to facilitate an informal resolution of this case. Part of the magistrate judge's referral will include the authority to award Plaintiff the cost of his travel to Denver for the conference, if he finds grounds in Ford's conduct to do so. Should the parties be unable to resolve their dispute informally, the magistrate judge is directed to secure counsel for the Plaintiff through the court's attorney mentoring program.

Dated June 24, 2009.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE