

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-02681-REB-MEH

DAWNMARIE FIECHTNER,

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

ORDER

Blackburn, J.

This matter is before me *sua sponte*. In light of the parties' **Joint Request for Eight (8) Trial Days** [#239] filed December 22, 2010, I have consulted my docket and note that I have a criminal case set for trial beginning January 31, 2011. Thus, I cannot accommodate an eight-day jury trial in the time currently scheduled for trial. Because of the right in a criminal case to speedy trial under the Sixth Amendment to the United States Constitution and the Speedy Trial Act of 1974, 18 U.S.C. § 3161, the court's criminal docket *per force* takes precedence. Thus, I conclude that a continuance of the current trial setting is required.

Although plaintiff has requested a continuance of the trial, **see Plaintiff's Motion for Continuance of Trial** [#173] filed November 18, 2010, I have reviewed that motion and the apposite response and reply, and find no basis for permitting a continuance to allow plaintiff to pursue additional discovery in this matter. The continuance is being granted solely due to conflicts on the court's docket that prevent me from affording the

parties the time they agree is necessary to try the case.

THEREFORE, IT IS ORDERED as follows:

1. That Trial Preparation Conference, currently scheduled for Friday, January 7, 2011, at 9:00 a.m., as well as the trial, currently scheduled to commence on Monday, January 24, 2011, are **VACATED** and **CONTINUED**, pending further order of the court;

2. That the parties' **Joint Request for Eight (8) Trial Days** [#239] filed December 22, 2010, is **GRANTED**;

3. That **Plaintiff's Motion for Continuance of Trial** [#173] filed November 18, 2010, is **DENIED** as moot; and

4. That a telephonic setting conference for the purpose of resetting the Trial Preparation Conference and trial is set for **February 28, 2011**, at **10:00 a.m. (MST)**; provided, further, that counsel for plaintiff **SHALL ARRANGE** and **COORDINATE** the conference call necessary to facilitate the setting conference.

Dated January 4, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge