

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

Civil Action No. 10-cv-01075-REB-KMT

LAWRENCE COUNTRYMAN, on behalf of himself and all others similar situated,

Plaintiff,

v.

FARMERS INSURANCE EXCHANGE., an insurer, and owner of MID-CENTURY
INSURANCE COMPANY, a California corporation,

Defendant.

ORDER RE: MOTIONS FOR CLASS CERTIFICATION

Blackburn, J.

The matter is before the court on the **Joint Status Report** [#64],¹ filed July 29, 2011. In this putative class action, the court recognizes the requirement under Fed.R.Civ.P. 23(c)(1)(A) to determine whether to certify a class before the case properly can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of this and related matters.

IT IS ORDERED as follows:

1. That defendant **SHALL FILE** its motion to dismiss on or before **August 12, 2011**, as contemplated by the Joint Status Report;
2. That no later than **thirty (30) days** after the motion to dismiss is filed, plaintiff **SHALL FILE** a motion for class certification under Fed.R.Civ.P. 23 that addresses, *inter*

¹ “[#64]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

alia, (a)(i) the prerequisites at Fed.R.Civ.P. 23(a)(1)-(4), and (ii) the matters at Fed.R.Civ.P. 23(b); (b) that defines the proposed class; and (c) that requests the appointment of class counsel; provided, furthermore, that the motion **MUST BE** *sui generis*; that is, plaintiff **MAY NOT** rely on or refer to any prior briefing submitted in this case in support of such a motion;

3. That the deadlines for filing response and reply briefs **SHALL BE AS PRESCRIBED** under D.C.COLO.LCivR 7.1C.;

4. That an applicant for class counsel **SHALL ADDRESS** the matters at Fed.R.Civ.P. 23(g)(1)(A)(i)-(iv) and any other matter pertinent to the applicant's ability to fairly and adequately represent the interests of the proposed class; and

5. That based on the parties' submissions, the court will either rule on the papers, order further briefing, convene an evidentiary hearing, or take such further action as the court in its discretion deems proper and necessary.

Dated August 1, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge