

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 10-cv-01134-PAB-KMT

GEORG K. HILL,

Plaintiff,

v.

THE CITY OF AURORA, COLORADO, a municipal corporation,

Defendant.

ORDER TO SHOW CAUSE

This civil action comes before the court on Plaintiff's failure to provide a confidential settlement statement in preparation for a settlement conference scheduled for February 8, 2011. On October 13, 2010, the court entered an order setting this settlement conference. (Doc. No. 26.) The order required the parties to prepare and submit confidential settlement statements to the court "no later than five business days prior to the date of the settlement conference." (*Id.*) Accordingly, these statements were due by February 1, 2011. Plaintiff has not provided a settlement statement to the court.

The Federal Rules of Civil Procedure give a district court ample tools to deal with recalcitrant litigants. *See Jones v. Thompson*, 99 F.2d 261, 264 (10th Cir. 1993). Rule 16(f) enables the court to impose sanctions, including costs and fees, when a party fails to obey a scheduling or other pretrial order. Fed. R. Civ. P. 16(f)(2).

Despite several phone calls from the court's deputy clerk reminding Plaintiff's counsel of the need to provide a confidential settlement statement, Plaintiff did not provide a settlement statement by February 1, 2011; rather, on February 4, 2011, Plaintiff filed "Plaintiff's (nonresponsive) Motion To: Vacate and Reset, For Good Cause Shown and for the Sake of Judicial Economy, the Settlement Conference, Set by [Doc. No. 26], for 1:30 pm, on Tuesday, February 8, 2011." (Doc. No. 62.) Defense counsel, however, did prepare and provide a detailed settlement statement. Moreover, in response to Plaintiff's motion, Defendant stated his opposition to vacating the settlement conference. (*See* Doc. No. 64.) In reply, Plaintiff indicates that Plaintiff and his counsel will appear for the settlement conference. (Doc. No. 65.) However, still without a confidential settlement statement from Plaintiff, the court will not conduct the settlement conference.

Therefore,

IT IS ORDERED the settlement conference set for February 8, 2011 is VACATED. This necessarily means that "Plaintiff's (nonresponsive) Motion To: Vacate and Reset, For Good Cause Shown and for the Sake of Judicial Economy, the Settlement Conference, Set by [Doc. No. 26], for 1:30 pm, on Tuesday, February 8, 2011" (Doc. No. 62.) is GRANTED, albeit not for the grounds stated in the motion.

IT IS FURTHER ORDERED that Plaintiff shall, **on or before February 11, 2011** show cause in writing if any he has why he should not be ordered to pay Defendants' costs and fees incurred in preparing for the settlement conference, including in the preparation of Defendants' confidential settlement statement;

IT IS FURTHER ORDERED that Defendant shall, **on or before February 11, 2011**, provide the court with an accounting of the costs and fees incurred in preparing for the settlement conference.

Dated this 7th day of February, 2011.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge