

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01452-WJM-KLM

RAY E. SAMPLE,

Plaintiff,

v.

CITY OF SHERIDAN, a municipality,
ARTHUR J. KRIEGER, City Manager, individually and in his official capacity,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court pursuant to the Settlement Conference Instructions [Docket No. 13] issued on January 14, 2011. Paragraph number 1 of the Instructions states that the Settlement Conference in this case will be vacated if the parties' Confidential Settlement Statements are not filed by the deadline set by the Court. On November 5, 2010, the Court ordered that the deadline for the parties to submit their Confidential Settlement Statements was February 8, 2011. *Minute Order* [Docket No. 12] at 2. To date, only Defendants have submitted a Confidential Settlement Statement. Accordingly,

IT IS HEREBY **ORDERED** that the Settlement Conference set for February 15, 2011 at 1:30 p.m. is **vacated** and shall be reset only upon joint motion of the parties.

Because Plaintiff's noncompliance with the Court's Orders [#12 & 13] has rendered Defendants' efforts to prepare for the Settlement Conference unnecessary, the Court will award Defendants, pursuant to Fed. R. Civ. P. 16(f)(B) and (C), the reasonable costs and

fees they incurred to prepare their Confidential Settlement Statement. Accordingly,

IT IS FURTHER **ORDERED** that on or before **February 24, 2011** defense counsel shall file an affidavit compliant with D.C.COLO.LCivR 54.3 stating the costs and fees charged to Defendants for the preparation of their Confidential Settlement Statement.

IT IS FURTHER **ORDERED** that Plaintiff may object to the reasonableness of the costs and fees listed in defense counsel's affidavit within ten days after the affidavit is filed.

Dated: February 10, 2011

BY THE COURT:

s/ Kristen L. Mix
Kristen L. Mix
United States Magistrate Judge