

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-02216-WJM-KLM

STROH RANCH DEVELOPMENT, LLC, a Colorado limited liability company,

Plaintiff,

v.

- (1) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 2,
- (2) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 3,
- (3) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 4,
- (4) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5,
- (5) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 6,
- (6) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 7,
- (7) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 8,
- (8) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 9,
- (9) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10,
- (10) CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 11,
- (11) THE PIVOTAL GROUP, INC.,
- (12) PIVOTAL PARKER INVESTMENTS, LLC, a Delaware limited liability company a/k/a
- (13) Parker Investments 2009, LLC,
- (14) PIVOTAL COLORADO II, LLC,
- (15) NORTH PARKER INVESTMENTS, LLC,
- (16) KURT WOLTER,
- (17) KIMBERLY JENSEN,
- (18) GREG MCILVAIN,
- (19) MARK EAMES,
- (20) GREG EPP,
- (21) BILLY HARRIS, and
- (22) JOHN DOES 1 through 8

Defendants.

ORDER DIRECTING PARTIES TO FILE DOCUMENTS RELEVANT TO SUIT

This matter is before the Court on Plaintiff and Defendants' Joint Motion for Extension of Deadline to File Rule 702 Motions ("Joint Motion"). (ECF No. 265.)

In the Parties' Joint Motion, it was stated that on Thursday, June 20, 2013, "after discussions between the Defendants, the Defendants made a new settlement offer" to Plaintiff. (*Id.* at 2.) The Motion also indicated that Plaintiff's Counsel "appreciated" the settlement offer, and that Plaintiff plans to "respond to the Defendants' offer by Monday, July 1, 2013." (*Id.*) The Court notes that the "parties are optimistic that they are making progress in 'closing the gap' that existed at end of the Settlement Conference" before U.S. Magistrate Judge Kristen L. Mix on Saturday, April 27, 2013. In view of this progress, the Parties were granted an extension to file their Rule 702 Motions until Thursday, July 11, 2013.¹ (*Id.* at 3.)

In the event that this matter does not settle, the Court ORDERS as follows:

1. The deadline to file Rule 702 Motions is extended to **Thursday July 11, 2013.**
2. Each party (collectively for Defendants) shall file preliminary jury instructions² in this matter no later than **Friday, July 12, 2013.** The fact that the Court is seeking preliminary jury instructions on all pending claims in this action is not intended to signal to the Parties that the Court has determined that it will deny Defendants' Motions for Summary Judgement (ECF Nos. 248-251). The Court has yet to adjudicate these Motions, and

¹ The Parties are encouraged to seek the assistance of Magistrate Judge Mix should they find that such dialogue would facilitate a global settlement in this matter.

² As noted at the Rule 16(c)(2)(E) Conference on Monday, April 15, 2013, the Court foreshadowed that it would order the filing of preliminary jury instructions given the size and complexity of this matter, coupled with the fact that 14 days have been allocated to trial. The Court notes that the Parties will have a right to amend these jury instructions for 'good cause' closer to the September 23, 2013 trial date should settlement not be reached.

in any event it will not rule on these Motions until after **July 12, 2013**.

3. Unless the Court is previously informed by Judge Mix that the Parties have made significant progress towards settlement, thus warranting a short extension for purposes of facilitating settlement discussions, the Court will not grant any extension with respect to the above-mentioned deadlines.³

Dated this 2nd day of July, 2013.

BY THE COURT:



William J. Martinez
United States District Judge

³ This means, that for the parties to seek a short extension of these dates, for the purposes of settlement, they must first contact Judge Mix's Chambers and discuss with the Judge or her staff the progress the Parties have made on settlement negotiations. Without taking this step in first contacting Judge Mix, the Court will not entertain any motion for extension regarding the above-mentioned dates.