

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

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

Plaintiff,

v.

CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 2,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 3,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 4,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 5,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 6,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 7,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 8,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 9,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 10,
CHERRY CREEK SOUTH METROPOLITAN DISTRICT NO. 11,
THE PIVOTAL GROUP, INC.,
PIVOTAL PARKER INVESTMENTS, LLC, a Delaware limited liability company a/k/a Parker
Investments 2009, LLC,
KURT WOLTER,
KIMBERLY JENSEN,
GREG MCILVAIN,
MARK EAMES,
GREG EPP,
BILLY HARRIS, and
JOHN DOES 1 through 8,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant Pivotal Parker Investments, LLC's **Unopposed Motion to (1) Vacate and Reset the Settlement Conference and (2) Amend the Scheduling Order** [Docket No. 96; Filed September 28, 2011] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The Scheduling Order

[Docket No. 23], as amended on December 28, 2010 [Docket No. 31], July 11, 2011 [Docket No. 77], and September 21, 2011 [Docket No. 94], is further modified to reflect the following new deadlines:

Deadline for service of written discovery:	January 13, 2012
Deadline for completion of discovery:	February 13, 2012
Deadline for filing dispositive motions:	March 12, 2012

IT IS FURTHER **ORDERED** that the Settlement Conference set for October 11, 2011 at 2:00 p.m. is **vacated** and **RESET** to **April 10, 2012 at 1:30 p.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

IT IS FURTHER **ORDERED** that counsel shall have parties present who shall have full authority to negotiate **all** terms and demands presented by the case and to enter into a settlement agreement, including an adjustor if an insurance company is involved. "Full authority" means that the person who attends the settlement conference has the complete and unfettered capacity and authority to meet all terms or pay all amounts which are demanded or sought by any opposing party in the case without consulting with some other person, committee, or agency.

IT IS FURTHER ORDERED that the parties shall follow Magistrate Judge Mix's Instructions for Preparation of Confidential Settlement Statements and Settlement Conference Instructions, copies of which are attached to Docket Nos. 22 and 34.

Parties shall submit their Confidential Settlement Statement on or before **April 5, 2012**. Parties participating in ECF shall e-mail ONLY the Confidential Settlement Statement to Mix_Chambers@cod.uscourts.gov. All additional settlement materials (e.g., depositions transcripts, exhibits, etc.) are to be submitted to the court as hard copies. Any additional material shall be delivered to the office of the Clerk of the Court or mailed directly to Magistrate Judge Mix in an envelope marked "Confidential and Private per Magistrate Judge Mix's Order". Parties not participating in ECF shall submit all materials as hard copies.

IT IS FURTHER **ORDERED** that the Final Pretrial Conference set for February 13, 2012 at 10:30 a.m. is **vacated** and **RESET** to **May 14, 2012 at 10:30 a.m.** in Courtroom **C-204** of the Byron G. Rogers United States Courthouse.

IT IS FURTHER **ORDERED** that the parties shall submit their proposed pretrial order **no later than May 9, 2012**. Parties participating in ECF shall submit their proposed pretrial order pursuant to the District of Colorado ECF Procedures. The proposed pretrial order must be submitted in a useable format (i.e., as a WordPerfect document). Pursuant to the ECF Procedures, the parties shall submit the proposed pretrial order via email to Mix_Chambers@cod.uscourts.gov. Parties not participating in ECF shall submit their

proposed pretrial order to the Clerk of the Court as a hard copy. However, if *any* party in this case is participating in ECF, it is the responsibility of that party to submit the proposed pretrial order pursuant to the ECF Procedures. **The parties shall prepare the proposed pretrial order in accordance with the form which may be downloaded in richtext format from the forms section of the Court's website at www.co.uscourts.gov. Instructions for downloading in richtext format are posted in the forms section of the website.**

Dated: September 29, 2011