

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00028-PAB-KLM

DARREN GIUFFRE, on behalf of himself and all similarly situated persons,

Plaintiff,

v.

MARYS LAKE LODGE, LLC, a Colorado Limited Liability Company,

Defendant.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court pursuant to the Settlement Conference Instructions [Docket No. 25] issued on May 18, 2011. Paragraph number one 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 May 18, 2011, the Court ordered that the deadline for the parties to submit their Confidential Settlement Statements was August 18, 2011. *Minute Order* [Docket No. 23] at 2. To date, only Plaintiff has submitted a Confidential Settlement Statement. Accordingly,

IT IS HEREBY **ORDERED** that the Settlement Conference set for August 25, 2011 at 1:30 p.m. is **vacated** and shall be reset only upon joint motion of the parties.

Because Defendant's noncompliance with the Court's Orders [#23 & 25] has rendered Plaintiff's efforts to prepare for the Settlement Conference unnecessary, the Court will award Plaintiff, pursuant to Fed. R. Civ. P. 16(f)(1)(B) and (C), the reasonable costs

and fees incurred to prepare his Confidential Settlement Statement. Accordingly,

IT IS FURTHER **ORDERED** that on or before **September 6, 2011** counsel for Plaintiff shall file an affidavit compliant with D.C.COLO.LCivR 54.3 stating the costs and fees charged to Plaintiff for the preparation of his Confidential Settlement Statement.

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

Dated: August 22, 2011

BY THE COURT:

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