

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.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Unopposed Motion for Reconsideration** [Docket No. 33; Filed September 27, 2011] (the "Motion"). As an initial matter, the Motion does not comply with the Court's Order of September 7, 2011 [Docket No. 32], which set a deadline of September 21, 2011, for submission by Defendant of a motion for reconsideration. The Motion is subject to denial on this basis alone. Nevertheless, in the interest of justice, the Court considers the Motion because it is unopposed and, further, accepts Defendant's confidential letter, submitted under seal, addressing the extenuating personal circumstances that Defendant avers constitute good cause for reconsidering the Court's Order of August 22, 2011 [Docket No. 29]. See *Motion* [#33] at 1. In light of these submissions,

IT IS HEREBY **ORDERED** that the Motion [#33] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that the Court's Order of August 22, 2011 [#29] is **VACATED**.

IT IS FURTHER **ORDERED** that the Settlement Conference, vacated on August 22, 2011 [#29], is **RESET** to **November 15, 2011 at 1:30 p.m.** in Courtroom **C-204** of the Byron G. Rogers United States Courthouse. Counsel shall have parties present who shall have full authority to negotiate **all** terms and demands presented by the case, and full authority 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. No party shall be permitted to participate in the Settlement Conference by telephone, unless that party has obtained leave

of the Court following the filing of an appropriate motion no later than five (5) business days prior to the date of the Settlement Conference.

IT IS FURTHER **ORDERED** that the parties shall submit their Confidential Settlement Statement no later than **November 10, 2011**. **The parties shall follow Magistrate Judge Mix's Instructions for Preparation of Confidential Settlement Statements [Docket No. 23-1]**. Parties participating in the District of Colorado Electronic Case Filing ("ECF") system shall submit **ONLY** their Confidential Settlement Statement in PDF format via email to Mix_Chambers@cod.uscourts.gov. All additional settlement materials (e.g., deposition transcripts or exhibits) are to be submitted to the Court as hard copies. Additional settlement materials shall be delivered to the Clerk of the Court or mailed directly to Magistrate Judge Mix in an envelope marked "Confidential and Private per Order of Magistrate Judge Mix." Parties not participating in ECF shall submit their Confidential Settlement Statement and any additional materials to the Court as hard copies by either means described above.

IT IS FURTHER **ORDERED** that **no party or attorney shall plan to leave the Settlement Conference before 5:30 p.m.** without first obtaining express permission from the Court. Any party or attorney who schedules travel which requires departure from the Settlement Conference before 5:30 p.m. **WILL BE REQUIRED TO MAKE ALTERNATIVE PLANS** if the case has not settled by the departure time.

Dated: October 3, 2011