

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 11-cv-01540-WYD-BNB

TAYLOR MOVING, LLC, a Colorado limited liability company,

Plaintiff,

v.

MICHAEL VOIGT, an individual;
OPM ENTERPRISES, INC., d/b/a Pride Worldwide Moving & Storage, d/b/a Boulder
Valley Transfer, a Colorado corporation;
TAYLOR MOVING, INC., a Colorado corporation;
TAYLOR MOVING AND STORAGE, INC., a Colorado corporation; and,
BOULDER VALLEY TRANSFER, INC., a Colorado corporation,

Defendants.

ORDER

THIS MATTER is before the Court as a result of issues raised at the Final Trial Preparation Conference held on Tuesday, August 6, 2013.

During the Final Trial Preparation Conference, I alerted both parties that a scheduling conflict exists regarding trial. A six-day jury trial is set to commence on Monday, August 19, 2013. However, a seven-day jury trial in a criminal case is set to commence on that same day. Due to issues related to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, which I explained to both parties during the conference, the criminal case takes priority over this case. The parties agreed to an alternative date for a Final Trial Preparation Conference as well as a new date to commence the six-day jury trial. Accordingly, it is

ORDERED that the six-day jury trial set to commence on Monday, August 19, 2013, is **VACATED** and **CONTINUED to Monday, October 28, 2013**. It is

FURTHER ORDERED that a Final Trial Preparation Conference is set for **Tuesday, October 15, 2013, at 4:00 p.m. in Courtroom A-1002**. It is

FURTHER ORDERED that Taylor Moving, LLC, **shall respond to the defendants' Motion In Limine Precluding Expert Witness Testimony On The Issue Of Damages [ECF No. 125] on or before Wednesday, August 21, 2013**. It is

FURTHER ORDERED that the parties **shall meet and confer regarding jury instructions and submit a new set of stipulated jury instructions that *inter alia*, contain instructions on substantive matters *i.e.*, elements of Taylor Moving, LLC's, claims, including claims brought under the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. § 1961, *et seq.* The new set of stipulated instructions shall be filed in accordance with my PRACTICE STANDARDS.¹**

Prior to the conclusion of the conference, Taylor Moving, LLC, requested that I order the parties to engage in a settlement conference. The defendants did not object. Therefore, it is

FURTHER ORDERED that the parties **shall jointly contact Magistrate Judge Boland's chambers on or before Friday, August 9, 2013, to set a settlement conference at Magistrate Judge Boland's earliest convenience. On or before the third day after the settlement conference, the parties shall file a Joint Status Report apprising the Court of the status of settlement negotiations and the likelihood of settlement.**

¹ My PRACTICE STANDARDS are available for viewing at http://www.cod.uscourts.gov/Portals/0/Documents/Judges/WYD/wyd_2011-Revised-Practice-Standards.pdf.

Dated: August 7, 2013.

BY THE COURT:

/s/ Wiley Y. Daniel

Wiley Y. Daniel

Senior U. S. District Judge