

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No.: 11-cv-02219-LTB-CBS
Date: May 1, 2012

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Robin Mason

Parties:

ELVIS BAKER, *et al.*,

Plaintiffs,

v.

DAVID THOMSON, *et al.*,

Defendants.

Counsel:

Erica A. Vecchio

Andrew Keith Lavin
William A. Rogers , III

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in Session: 9:17 a.m.

Court calls case. Appearances of counsel.

Discussion regarding where the parties are at with respect to engaging in settlement talks and setting a settlement conference. Mr. Rogers discusses unresolved factors that may impact the parties ability to reach a settlement: Mrs. Doris Baker's passing, Mrs. Baker's claims being dismissed, and the filing of a wrongful death claim (want to amend the complaint to include this claim).

The court advises the parties that the plaintiff's MOTION to Amend/Correct/Modify #2 Complaint (Docket No. 25, filed on 4/2/2012) has not referred to Magistrate Judge Shaffer but he has reviewed it. The court advises that this motion, in its current form, should be withdrawn. The court also reminds the parties that the Local Rules need to be adhered to when filing motions. This motion was filed on April 2, 2012 but the deadline for amendment of pleadings and/or joinder of parties was November 30, 2011. The court advises that first good cause would need to be shown according to Rule 16(b) before the court can extend this deadline to allow a

motion seeking leave to amend (in accordance with Rule 15(a)). Discussion regarding the letter from Dr. Michael Martine. Ms. Vecchio advises that she would be happy to file a new motion to amend and attempt to get more information from Dr. Michael Martino.

The court addresses the parties regarding moving forward in an attempt to reach a settlement in this case pertaining to both named plaintiffs.

ORDERED: Counsel for the plaintiff shall speak with her client to see how he wants to proceed. If he wants to move forward with the wrongful death claim the motion will be ruled on. If a settlement is desired then the plaintiff's MOTION to Amend/Correct/Modify #2 Complaint (Docket No. 25, filed on 4/2/2012) should be withdrawn. The parties shall move forward with exchanging offers and contact the court if a settlement conference is needed.

Discussion regarding the plaintiff's First MOTION for Extension of Time to File Expert Disclosures [sic] (Docket No. 29, filed on 4/24/2012) and Rule 26(a)(2).

ORDERED: The plaintiff's First MOTION for Extension of Time to File Expert Disclosures [sic] (Docket No. 29, filed on 4/24/2012) is **DENIED without prejudice**.

Discussion between the court and Mr. Rogers regarding Mrs. Baker's claims and Rule 25. The parties may file a stipulation motion to dismiss her claims and amend the case caption. The court advises that it cannot dismiss anything right now according to Rule 636(b).

HEARING CONCLUDED.

Court in recess: 9:53 a.m.

Total time in court: 00:36

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