

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge R. Brooke Jackson

Civil Action No. 12-cv-0010-RBJ-GPG

ROBERT BAKER,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

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MINUTE ORDER

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Entered by Judge R. Brooke Jackson

The plaintiff's Motion for Trial in Grand Junction (E.C.F. #88) is denied. Although the defendant has not yet responded, plaintiff indicates that the defendant is opposed to moving the trial to Grand Junction, and given my denial of the motion, it's moot. I agree that it makes sense to try the case in Grand Junction. The plaintiff lives there. The accident occurred there.

Witnesses, apparently including expert witnesses (but 12 experts in a rear end collision case???), live there. The case is in Denver only because the defendant removed the case to federal court.

The problem is that plaintiff did not file his motion until November 25, 2013, and it came to my attention this morning. We have ascertained that the courtroom in Grand Junction is available.

We have contacted the jury commissioner and have been told that, if she "drops everything" she can get jury summons out by Friday, December 13, 2013, barely in time to summon jurors in for a January 13, 2014 trial. The problem, however, is that this Court has also scheduled another case, actually another insurance coverage case, for a jury trial beginning on the same day,

January 13, 2014. It is an older case and would take priority if both cases go to trial. The Court has received no indication that the case will not go to trial. I am not willing to go to the trouble of the Jury Commissioner and the prospective jurors if the case is not going to go to trial as scheduled anyway, and I cannot predict that now. If this case (Baker) is continued, we can set a jury trial in Grand Junction with clear priority (and could have done that anyway if we had known sooner that that location would be requested). If the parties want their trial on January 13, 2014, and if they would be interested in consenting to a trial by Magistrate Judge Gordon Gallagher, then (subject to his availability) we could probably summon jurors for a trial in Grand Junction on that date. I have not checked on his availability yet, as I suspect that at least one of the parties will not consent to that alternative. If we are notified by tomorrow, December 11, 2013, that both parties will consent to a trial presided over by Magistrate Judge Gallagher in Grand Junction on January 13, 2014, then we will check with him, and if he is available, we will proceed. Otherwise, we will plan on having the trial in Denver IF the other case scheduled for that same date goes off. I will note that I am willing to consider permitting Grand Junction witnesses to testify in a Denver trial by video from the courtroom in Grand Junction, and I request that counsel discuss that alternative.

DATED this 10<sup>th</sup> day of December, 2013.