

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02373-BNB-KLM

MAKYNNA HIGH,

Plaintiff,

v.

JIK, INC., a Colorado corporation, d/b/a Denny's Restaurant,
JUN KIM, and
DAN BYRNES,

Defendants.

ORDER

This matter arises on the following:

(1) **Plaintiff's Motion for Settlement Conference** [Doc. # 49, filed 3/12/2013] (the "Motion for Settlement Conference"); and

(2) **Defendants' Motion for Leave to File Memorandum Regarding Plaintiff's Motion for Settlement Conference** [Doc. # 53, filed 4/3/2013] (the "Motion to Respond").

Court sponsored alternative dispute resolution is controlled by D.C.COLO.LCivR 16.6. It provides that a district judge or magistrate judge exercising consent jurisdiction "may direct the parties to a suit to engage in an early neutral evaluation or other alternative dispute resolution proceeding." D.C.COLO.LCivR 16.6A. The rule was changed effective December 2011 to limit the circumstances under which court resources are expended on settlement efforts and to make those resources available only when the presiding judge determines it is appropriate.

Although the Motion for Settlement Conference now is unopposed, this case does not appear to be appropriate for the expenditure of court resources on settlement. Settlement

requires the willingness and cooperation of all parties. Here, the defendants did not respond to the plaintiff's inquiries concerning requesting a settlement conference; did not comply with my minute order [Doc. # 50] requiring a response to the Motion for Settlement Conference; and have belatedly joined in the Motion for Settlement Conference apparently only to avoid the cost and inconvenience of appearing at a hearing on the Motion for Settlement Conference. In view of these facts, I conclude that ordering the parties to appear at a court sponsored settlement conference would be a waste of the court's resources.

IT IS ORDERED:

- (1) The Motion for Settlement Conference [Doc. # 49] is DENIED;
- (2) The Motion to Respond [Doc. # 53] is DENIED as moot; and
- (3) The hearing on the Motion for Settlement Conference set for April 8, 2013, at 11:00 a.m., is VACATED.

Dated April 3, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge