

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 12-cv-2764-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

CELIA SCHWARTZ,

Defendant.

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**ORDER LIFTING STAY**

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**Blackburn, J.**

This matter is before the court *sua sponte*. On September 3, 2015, the magistrate judge entered an order continuing the stay of proceedings in this case through November 27, 2015, or until such time as plaintiff's counsel updated the court on the status of her efforts to negotiate a settlement of the matter. (**See Minute Order** [#180],<sup>1</sup> filed September 3, 2015.) On November 16, 2015, counsel for plaintiff filed a motion to order the parties to court-mediated alternative dispute resolution. (**See Motion for Order Referring Case to Alternative Dispute Resolution Pursuant to D.C.COLO.LCivR 16.6 and for Stay** [#182], filed November 16, 2015.) The court granted that request. (**See Order Re: Motion for Order Referring Case to Alternative Dispute Resolution** [#184], filed November 19, 2015.)

At the same time, the court denied counsel's concomitant request to continue the

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<sup>1</sup> “[#180]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

stay of this matter pending the outcome of ADR proceedings. While counsel for plaintiff pursues her limited role in attempting to negotiate a settlement, this case still must continue on a parallel track in the event settlement discussions prove unsuccessful. If a negotiated settlement is not sooner reached, this court fully intends that resolution of plaintiff's claims in this matter proceed expeditiously. Indeed, the court now has set the matter for trial on its docket January 19-21, 2016. (**See Trial Preparation Conference Order** [#183], filed November 19, 2015.) This case cannot be permitted to grow ever staler while counsel's laudable efforts at settlement are ongoing. To that end, I lift the stay of these proceedings.

**THEREFORE, IT IS ORDERED** that the stay in this matter is lifted effective forthwith.

Dated November 19, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge