

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00578-WYD-NYW

STACEY COHEN

Plaintiff,

v.

PUBLIC SERVICE COMPANY OF COLORADO, d/b/a XCEL ENERGY,

Defendant.

ORDER

THIS MATTER comes before the Court upon a review of the file along with the Joint Motion to Request and Clarify that Motions in Limine Be Argued at the April 12, 2016 Final Trial Preparation Conference (ECF No. 267). The motion is **GRANTED**. I will hear argument on the motions in limine at the April 12, 2016 Final Trial Preparation Conference. Accordingly, because I will handle all remaining pretrial matters at the Final Trial Preparation Conference, the status conference set for March 31, 2016 is **VACATED**.

Additionally, I note that on March 25, 2016, the parties submitted proposed jury instructions and verdict forms. Of the submitted proposed instructions, only six were agreed upon. The parties collectively submitted over seventy disputed instructions. This is entirely unacceptable and will not be tolerated. In my more than twenty years on the bench, there is less cooperation on jury instructions in this case than in any other case I can recall. Accordingly, ECF Nos. 261, 262, 263, 264, 265, and 266 are **STRICKEN**

from the record.

The parties are ordered to meet and confer and reach maximum agreement regarding both the general instructions and the substantive instructions prior to the Final Trial Preparation Conference set for Tuesday, April 12, 2016.

An entirely new set of proposed jury instructions, proposed verdict forms and related submissions shall be filed not later than **Thursday, April 7, 2016. Failure to comply with this Order will result in the imposition of substantial, financial sanctions.**

In general, I do not look favorably when the pattern instructions are modified by case law unless there is some compelling reason. Additionally, I prefer to use pattern instructions from O'Malley, Grenig and Lee, Federal Jury Practice and Instructions unless there is a substantive legal argument to the contrary.

Dated: March 28, 2016

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge