

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-00797-RM-BNB

FORTE SUPPLY, LLC, a Colorado limited liability company,
JEFF RESNICK, a resident of the State of Colorado, in his official capacity,

Plaintiffs,

v.

MOJO FROZEN YOGURT, LLC, a New Jersey limited liability company, and
THOURIA IBRAHIM, a resident of the State of New Jersey,

Defendants.

ORDER

This matter arises on the plaintiffs' **Request to Inspect and Test Evidence Pursuant to Federal Rule of Civil Procedure 34** (the "Motion"). In addition, the parties discussed the manner in which I might assist them to commence settlement negotiations. I held a hearing on these matters this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

- (1) The Motion [Doc. # 34] is GRANTED.
- (2) The plaintiff may inspect the subject devices at the defendants' business location.

All counsel, experts for the respective parties, and the individually named parties may be present at the inspection, which shall occur at a date and time as the parties' may agree but not later than November 29, 2013. No destructive testing shall occur.

- (3) The plaintiff shall make a written settlement demand to the defendant on or before September 25, 2013, and the defendant shall make a written response and counteroffer on or

before October 4, 2013. The parties shall provide copies of the settlement demand and counteroffer confidentially to my chambers when they are transmitted to opposing counsel, but they shall not file those material with the Clerk of the Court.

(4) A telephonic conference, off the record, concerning settlement is set for October 10, 2013, at 9:00 a.m. Only counsel need be available for the conference. Plaintiffs' counsel shall initiate a conference call to defense counsel and then join the court at 303-844-6408 at the specified date and time.

Dated September 23, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge