

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 13-cv-03428-RPM

4320 MORRISON LLC,

Plaintiff,

v.

AUTO-OWNERS INSURANCE CO.,

Defendant.

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ORDER RE: APPRAISAL PROCESS

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At the scheduling conference held on March 28, 2014, it was agreed that the parties would attempt to agree as to whether the appraisal made in this case is the functional equivalent of an arbitration under the Colorado Uniform Arbitration Act. In separate filings made on May 27, 2014, [17] and [18], the parties have agreed that the appraisers and umpire are arbitrators under that act and are therefore precluded from discovery and testifying at trial pursuant to C.R.S. § 13-22-214(4)(a). The defendant has made its agreement both “contingent” on an agreement that Auto-Owners duty to negotiate was suspended when the plaintiff invoked the appraisal correspondence on November 21, 2011 and that all materials related to the appraisal process should be excluded from discovery. The plaintiff objects to such a ruling at this time. It is now

ORDERED that C.R.S. § 13-22-214(4)(a) applies to the appraisal process used in this case.

Dated: June 13<sup>th</sup>, 2014

BY THE COURT:

s/J. Chris Smith

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Richard P. Matsch, Senior District Judge