

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

Civil Action No. 14-cv-00168-RPM

JEFFREY CLARK and
SHANNON LEE SMITH-CLARK,

Plaintiffs,

v.

COUNTRY FINANCIAL d/b/a COUNTRY MUTUAL
INSURANCE COMPANY,

Defendant.

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL APPRAISAL

At the scheduling conference on April 22, 2014, counsel for the plaintiffs suggested that the use of the appraisal process provided for in the insurance contract may be an effective way to resolve this case and agreed that the non-contractual claims in the case may be dismissed upon the completion of the appraisal. The Court suggested that the defendant consider proceeding with the appraisal as an alternative dispute resolution process and on May 22, 2014, the plaintiffs filed a motion to compel appraisal and the defendant filed its response on June 12, 2014, asserting legal issues affecting the right to an appraisal, including the question of timeliness. Because the Court had the expectation that the appraisal process may be used to resolve the case by agreement, and it appearing that there is no agreement, it is

ORDERED that the plaintiffs' motion to compel appraisal is denied without any determination as to the plaintiffs' entitlement to an appraisal and with consideration that

the defendant's refusal to agree to an appraisal may be considered in connection with the bad faith claim.

DATED: June 13th, 2014

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge