

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

Civil Action No. 14-cv-00464-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

CORRECTIONS CORPORATION OF AMERICA,  
COLORADO DEPARTMENT OF CORRECTIONS,  
RICK RAEMISCH,  
DAVE HENNINGER,

Defendants.

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**ORDER RE: MOTION FOR ORDER REFERRING  
CASE TO ALTERNATIVE DISPUTE RESOLUTION**

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**Blackburn, J.**

The matter before me is plaintiff's **Motion for Order Referring Case to Alternative Dispute Resolution Pursuant to D.C.COLO.LCivR 16.6 and for Stay** [#151],<sup>1</sup> filed November 16, 2015. Although defendants oppose the motion, I exercise my prerogative under D.C.COLO.LCivR 7.1(d) and rule on the motion without awaiting the benefit of a response. I grant the motion insofar as it seeks court-ordered ADR, but deny the request to continue the stay.

This case is but one of three related federal lawsuits which plaintiff has filed in this district. Also pending before various state courts are seven additional lawsuits involving the same or related state defendants. Counsel for plaintiff has entered a

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<sup>1</sup> “[#151]” 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.

limited appearance to attempt to effectuate a global resolution of all these claims. However, counsel represents that her attempts to negotiate a settlement of these matters has not proved fruitful. She therefore requests that the court order defendants to participate in ADR before the magistrate judge.

Admittedly, it is unclear whether negotiations will be productive in this case, especially in light of defendants' opposition to this motion. Nevertheless, after due consultation with the magistrate judge, and with her consent, the court concludes that plaintiff's request for court-facilitated ADR should be granted. The parties heretofore have not engaged in any discussions of this nature, and thus it certainly cannot hurt to attempt to negotiate a resolution.

However, the court declines plaintiff's invitation to further continue the stay in this case. Although not quite as old as plaintiff's two other lawsuits before the court, this action has been pending nearly two years and, at the moment, there is no operative complaint. The court has no intention of allowing this matter to languish. There is no reason why efforts to resolve this lawsuit should not be undertaken on both the ADR and litigation fronts.

**THEREFORE, IT IS ORDERED** as follows:

1. That plaintiff's **Motion for Order Referring Case to Alternative Dispute Resolution Pursuant to D.C.COLO.LCivR 16.6 and for Stay** [#151], filed November 16, 2015, is granted in part and denied in part, as follows:

- a. That the motion is granted insofar as it seeks referral of this case to the magistrate judge for alternative dispute resolution proceedings; and

b. That the motion is denied insofar as it seeks a further stay of proceedings pending ADR; and

2. That this case is referred to United States Magistrate Judge Kristen L. Mix to conduct alternative dispute resolution proceedings as soon as is practicable given the demands of her own calendar and with due consideration of the date of the trial in this matter.

Dated November 19, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge