

**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.

ORDER LIFTING STAY

Blackburn, J.

This matter is before the court *sua sponte*. On September 3, 2015, the magistrate judge entered an order continuing the stay of proceedings in this case through November 27, 2015, or until such time as plaintiff's counsel updated the court on the status of her efforts to negotiate a settlement of the matter. (**See Minute Order** [#147],¹ filed September 3, 2015.) On November 16, 2015, counsel for plaintiff filed a motion to order the parties to court-mediated alternative dispute resolution. (**See 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.) The court granted that request. (**See Order Re: Motion for Order Referring Case to**

¹ “[#147]” 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.

Alternative Dispute Resolution [#152], filed November 19, 2015.)

At the same time, the court denied counsel's concomitant request to continue the stay of this matter pending the outcome of ADR proceedings. While counsel for plaintiff pursues her limited role in attempting to negotiate a settlement, this case still must continue on a parallel track in the event settlement discussions prove unsuccessful. If a negotiated settlement is not sooner reached, this court fully intends that resolution of plaintiff's claims in this matter proceed expeditiously. This case cannot be permitted to grow ever staler while counsel's laudable efforts at settlement are ongoing. To that end, I lift the stay of these proceedings and request that the magistrate judge convene a scheduling conference to set pretrial deadlines in this case as well as a trial date.

THEREFORE, IT IS ORDERED as follows:

1. That the stay in this matter is lifted; and
2. That the magistrate judge is respectfully requested to convene a scheduling conference in this matter as soon as practicable; provided, that in conjunction with the scheduling conference, the magistrate judge shall contact this chambers to determine appropriate dates for the combined Final Pretrial Conference and Trial Preparation Conference and the trial of this matter.

Dated November 19, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge