

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-01887-KMT

JANE BENEDICT,

Plaintiff,

v.

GLENNA VILLERS,
CHRIS KOZUCH, and
THE TOWN OF PARKER, COLORADO

Defendants.

ORDER SETTING EARLY NEUTRAL EVALUATION

An early neutral evaluation is hereby scheduled in this case for **November 18, 2014** in Courtroom C-201, Second Floor of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado. The conference will begin at **1:30 p.m.** and is set for two hours.

Counsel shall have parties present who shall have full authority to negotiate all terms and demands presented by the case, and full authority to enter into a settlement agreement, including an adjustor if an insurance company is involved. The presence of an insurance adjustor, however, does not excuse the attendance of the party represented.

“Full authority” means that the person who attends the settlement conference has the complete and unfettered capacity and authority to meet or pay all terms or amounts which are demanded or sought by the other side of the case without consulting with some other person, committee or agency. If the representative attending the early neutral evaluation can only receive authority to increase a pre-determined amount of money by making a telephone call to someone else, the person to whom the phone call is made is the correct participant in the settlement conference. If any person has limits upon the extent or amount within which he or she is authorized to settle on behalf of a party, that person does not have “full authority.” **This requirement is not fulfilled by the presence of counsel.**

No party or party representative shall be permitted to participate in the settlement conference by telephone, unless that party has obtained leave of court following the filing of an

appropriate motion no later than five business days prior to the settlement conference date. Such requests are not favored by the court.

The parties, through their respective counsel, are each directed to prepare a Confidential Position Statement, not to exceed fifteen pages, and submit the same by email only to Magistrate Judge Tafoya no later than **November 11, 2014**. The Confidential Position Statement should contain the following information:

1. A summary of the evidence, including:
 - a. a *numbered list* of the known significant disputed issues of fact; and
 - b. a *numbered list* of the known significant disputed legal issues.
2. A candid assessment of the case from the presenter's point of view.
3. Remarks toward any perceived weaknesses in the case.
4. An *accurate and complete* history of settlement negotiations, including dates, if known, and amounts of demands and offers.
5. A computation of damages, including the theory of calculation and any legal limitations on damages, and a demand or offer each client will accept or pay in settlement (*including any essential non-economic terms*).
6. Any observations or additional information which would be helpful to Magistrate Judge Tafoya in assisting the parties to negotiate a settlement.

The document is to be **emailed to Magistrate Judge Tafoya** (not submitted for filing to the court) at *Tafoya_Chambers@cod.uscourts.gov*, in accordance with the electronic filing procedures of this court.

Dated this 22nd day of October, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge