

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03144-MSK-KLM

PAMELA ROBINSON, as Administrator of the Estate of Brian K. Houle, and as Legal Custodian and Next Friend of Logan Houle,
THE ESTATE OF BRIAN K. HOULE, and
LOGAN HOULE, a Minor,

Plaintiffs,

v.

STEAMBOAT SPRINGS WATER SPORTS CLUB, INC., a Colorado non-profit corporation,
LUKE KESSLER, individually and in his official capacity as Head Coach of the Steamboat Springs Winter Sports Club Snowboard Team Junior Programs,
DAVID R. TORRONI, JR.,
DAVID TORRONI, and
ISLAND BUILDING CONTRACTORS INC., a New Jersey corporation,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Unopposed Motion for Approval of Partial Settlement** [#40] (the "Motion"). Plaintiffs do not appear to seek approval of the substance of the parties' partial settlement.¹ Rather, despite the title, the Motion appears to simply seek an order confirming that the parties have fully complied with the Chief Judge's Civil Practice Standard 16.6(a)(3), which states:

If fewer than all claims or defenses are resolved by a settlement, a motion requesting approval of same shall specify what claims, defenses and parties will be affected by the settlement/dismissal and which will remain. The proposed order shall set out a proposed revised caption, deleting parties whose claims have been resolved, to be used on all subsequent pleadings. An order will not be issued when parties stipulate to a dismissal of their case pursuant to Fed. R. Civ. P. 41(a)(1)(A).

¹ The settlement agreement entered into by the parties was examined and approved by the Probate Court of the State of Ohio, Crawford County, on June 23, 2015. See [#40-1, #40-2].

The Court finds that Plaintiffs have complied with this standard. Pursuant to the partial settlement, the following parties, claims, and defenses in this lawsuit are affected as follows:

a. Defendants David Torroni, Jr., David Torroni and Island Building Contractors, Inc, are dismissed from the case by all Plaintiffs; claims against Defendant Luke Kessler, individually, are dismissed by all Plaintiffs.

b. The remaining Defendant is the Steamboat Springs Winter Sports Club (SSWSC”).

c. The claims against the SSWSC are for negligent hiring and supervision of Luke Kessler, the Jr. Snowboard Team Head Coach, and vicarious liability for acts of Luke Kessler committed in the scope and course of his employment by SSWSC.

d. The defenses of SSWSC to the remaining claims are: 1) the claims are untimely; 2) SSWSC did not owe a duty to plaintiffs or plaintiffs’ decedent; and 3) the collision causing the death of Brian Houle was caused by others over whom SSWSC exercised no responsibility or control.

e. Further, SSWSC filed a Motion for Judgment on the Pleadings [#34] pursuant to Fed. R. Civ. P. 12 (c). The motion is pending.

The case caption on all future filings shall be as follows:

PAMELA ROBINSON, as Administrator of the Estate of Brian K. Houle, and
as Legal Custodian and Next Friend of Logan Houle,
THE ESTATE OF BRIAN K. HOULE, and
LOGAN HOULE, a minor,

Plaintiffs,

v.

STEAMBOAT SPRINGS WINTER SPORTS CLUB, INC., a Colorado
non-profit corporation,

Defendant.

Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#40] is **GRANTED**.

Dated: July 28, 2015