

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**
Judge John L. Kane

Civil Action No. **1:11-cv-00211-JLK**

RIGHTHAVEN LLC, a Nevada Limited Liability Company

Plaintiff,

v.

BRIAN D. HILL, an individual,

Defendant.

ORDER

This matter is currently before me on Plaintiff's Opposed Motion for Enlargement of Time to File a Response to Defendant's Motion to Dismiss (doc. 14). Citing the diligent and good faith efforts it has made over the past month and a half to resolve this matter via settlement and its anticipated resolution of this matter in the near future, Plaintiff seeks a three week extension of time to file its response to Defendant's Motion to Dismiss.

It is an unusual circumstance when a party engaged in a settlement negotiation opposes a motion for an extension of time. Despite Plaintiff's veiled invitation to do so, I do not question whether Defendant is acting in good faith to settle this case. In light of Defendant's response to the instant motion, I am more inclined to question whether the parties are engaged in any meaningful settlement negotiations at all. Notwithstanding these issues, however, whether or not this case settles is not my primary concern. Although Plaintiff's business model relies in large part upon reaching settlement agreements with a minimal investment of time and effort, the purpose of the courts is to provide a forum for the orderly, just, and timely resolution of

controversies and disputes. Plaintiff's wishes to the contrary, the courts are not merely tools for encouraging and exacting settlements from Defendants cowed by the potential costs of litigation and liability.

Plaintiff has failed to justify its sought after three week extension to respond to the arguments raised in Defendant's Motion to Dismiss. It has been aware of Defendant's motion for over two weeks. Plaintiff's decision to focus its efforts and resources on reaching a settlement does not justify an extended delay in these proceedings should those efforts prove fruitless. Accordingly, Plaintiff's motion is DENIED. It shall file its response to Defendant's Motion to Dismiss no later than April 11, 2011. Defendant shall file its reply brief no later than April 25, 2011, at which point these proceedings will be stayed pending my resolution of Defendant's Motion to Dismiss.

Dated: April 7, 2011

BY THE COURT:

/s/ John L. Kane
Senior U.S. District Judge