

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
UNITED STATES COURTHOUSE
1929 STOUT STREET
DENVER, COLORADO 80294

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JUN 15 1992

OFFICE OF THE
CIRCUIT EXECUTIVE
TENTH CIRCUIT

FTS 564-5018

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EDWARD W. NOTTINGHAM
JUDGE

June 15, 1992

Eugene J. Murret
Circuit Executive
United States Court of Appeals
for the Tenth Circuit
United States Courthouse
Denver, CO 80294

RE: Complaint of Donald E. Settle, Case No. 92-10-372-7

Dear Mr. Murret:

I have reviewed Mr. Settle's complaint executed on May 20, 1992. I have also reviewed the court's original file in the case, the judge's copy of the file (containing my notes and other materials) having been destroyed in the ordinary course of business when the case was dismissed with prejudice on February 20, 1992. Mr. Settle suggests that this was a simple, straightforward case in which all that was required of me was the routine execution of a judgment. In my view, the matter was more complicated than he implies.

There were three circumstances which precluded my resolving the case by entry of judgment. First, Mr. Settle, through his attorneys, moved for an award of prejudgment interest on the jury's verdict. Second, Mr. Settle moved to review the clerk's taxation of costs. Third, and most important, I was considering the possibility of granting a judgment in favor of defendant, notwithstanding the jury's verdict. I was doing so because I had significant doubts about the sufficiency of the evidence to sustain the only theory on which Mr. Settle, as plaintiff, prevailed at trial - the theory that there was an implied contract for continued employment between him and Centel Corporation, the defendant. Defendant had mounted a vigorous argument for a directed verdict, and I wished to obtain electronic tapes of the proceeding in order to give the matter a final, full evaluation. The case was resolved before I could complete this evaluation.

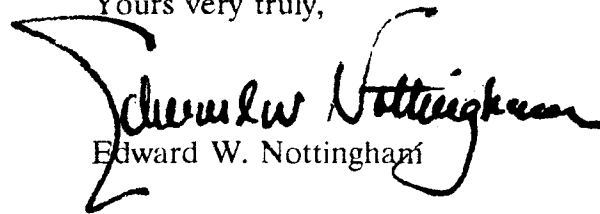
It is a regrettable fact, given the court's business, that Mr. Settle's case and the cases of other litigants cannot be resolved as quickly as we all would like. Although

Eugene J. Murret, Chief Executive
Court of Appeals for the Tenth Circuit
In re Complaint of Donald E. Settle (92-10-372-7)

Mr. Settle may not believe it, I am probably as distressed and depressed as he is about the circumstance. I am less sympathetic, however, to his attorney's repeated efforts to badger court personnel and my secretary into giving Mr. Settle's case priority over other cases. If I were to follow the principles implicit in what Mr. Settle is suggesting, then the court's priorities for deciding cases would be determined by the stridency of the attorneys involved.

I have not attempted in this letter to give a detailed rebuttal to Mr. Settle's charges - only to indicate that the matter was not as simple as he believes. If more detail is required, I will comply. Since you sent copies of your letter to Chief Judge McKay and Chief Judge Finesilver, I am assuming that it is appropriate for me to do likewise. I am also sending a copy to Mr. Settle, and I hereby certify that the copy was mailed to him, regular mail, at the address stated on his complaint.

Yours very truly,



Edward W. Nottingham

EWN/bte

cc: Honorable Monroe G. McKay
Honorable Sherman G. Finesilver
Donald E. Settle