

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 06-cv-01733-CMA-CBS
Date: April 8, 2009

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

MICHAEL L. ZINNA,

Pro se

Plaintiff,

v.

ROBERT JACKSON COOK,

No appearance

JAMES CONGROVE,

Patrick Dale Tooley

DUNCAN BRADLEY,

Andrew R. McLetchie
Jessica Johnson

DARIL CINQUANTA,

Steven Paul Johnston

Defendants,

and

TED MINK,

No appearance

JOHN THIRKELL,

No appearance

Interested Parties.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTIONS HEARING

Court in session: 9:00 a.m.

Court calls case. Appearances of counsel. Plaintiff appears *pro se*.

Discussion regarding Defendant Duncan Bradley's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(B)(6) (doc. #142, filed 12/19/2008), Defendant Daril Cinguanta's Motion to Dismiss With Prejudice Pursuant to Fed.R.Civ.P. 12(b)(6) (doc. #165, filed 1/22/2009), and Defendant Duncan Bradley's Motion for Stay Pending Resolution of Defendants' Motions to Dismiss (doc. #181, filed 2/26/2009).

Mr. McLetchie makes statements regarding service of Amended Complaints and relevant case

law. Mr. Johnston and Mr. Tooley join in statements.

Overall discussion regard the statute of limitations.

The court discusses relevant case law.

Mr. Tooley makes statements regarding discovery deadlines.

ORDERED: Parties may simultaneously file supplemental briefs on the application of Rule 15 (c) and issues of equitable tolling on or before April 17, 2009. No reply briefs will be filed.

The court suggests that the parties hold a 7.1.a conference to try and agree on a reasonable extension for impending deadlines. The parties may file a written proposal stating reasonable deadlines.

The court will stay all fact depositions absent a showing of good cause.

Mr. Zinna asks about third-party discovery.

Mr. Tooley suggests to have a follow up hearing on the motions. The court discusses holding a settlement conference and vacates the dates currently being held for a settlement conference, based on comments from defense counsel.

ORDERED: A Motions Hearing is scheduled for April 27, 2009 from 9:00 a.m. to 10:30 a.m. where the court will hear additional arguments with respect to the motions to dismiss.

ORDERED: Defendant Duncan Bradley's Motion for Stay Pending Resolution of Defendants' Motions to Dismiss (doc. #181, filed 2/26/2009) is GRANTED IN PART AND DENIED IN PART consistent with the ruling from the bench. Deposition discovery is STAYED pending further ruling by the court or depending upon a showing of good cause. Mr. Zinna is allowed to serve written discovery on Mr. Cinquanta to the extent he re-evaluates his position and needs further information. With respect to written discovery on Mr. Bradley and Mr. Congrove, the court will STAY written discovery on those motions pending oral argument on April 27, 2009.

HEARING CONCLUDED.

Court in recess: 10:19 a.m.

Total time in court: 01:19

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