

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00229-WYD-MJW

As consolidated with: 07-cv-01711-REB-MJW, Sue v. Milyard,
07-cv-01976-PAB-KMT, Ybanez v. Milyard, and
07-cv-02132-WYD-CBS, Thompson v. Milyard

ERIC QUADE, et al.,

Plaintiff,

v.

WARDEN KEVIN MILYARD, et al.,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Pro Se Incarcerated Plaintiff Sue's Motion for Clarification of Order to Consolidate (docket no. 87) is **GRANTED** as follows: In this motion, the Pro Se Incarcerated Plaintiff Sue seeks clarification to the following questions contained in the subject motion. The Court will respond to each of these questions:

1. As a result of consolidation does a single plaintiff represent and answer for all of the plaintiffs in this case? **No.**
2. As a result of consolidation do the plaintiffs have the ability to seek discovery from defendants that were not sued on their complaint before being consolidated? **Yes, to the extent permitted pursuant to the Rule 16 Scheduling Order (docket no. 75) entered in this case and within the scope of Fed. R. Civ. P. 26.**
3. For those plaintiffs that had their 8th Amendment claim dismissed, is it now reinstated for purposes of the consolidation? **No.**
4. When a plaintiff files a motion/ pleading with the court, does he have to serve a copy of the motion/pleading to the other plaintiffs? **Yes and also upon all defendants.**
5. Should this consolidation case go to trial, will there be one trial for the plaintiffs,

or four separate trials for each plaintiff? **One trial for all plaintiffs unless Chief Judge Daniel grants a severance for separate trials.**

6. Will there be separate discovery for each plaintiff, or will there be a scheduling conference for the purpose of establishing a single discovery schedule? **The Rule 16 Scheduling Order (docket no.75) entered in case number 07-cv-00229-WYD-MJW shall govern all discovery for all plaintiffs and all defendants.**
7. How will motions that were pending prior to the consolidation in the various cases be handled? **All motions in the other cases before consolidation was granted have been entered on the docket in case no. 07-cv-00229-WYD-MJW and will be addressed by either Magistrate Judge Watanabe or Chief Judge Daniel.**
8. The current caption approved by the court for the consolidated case only shows the name of one of the plaintiffs.... Will the court remedy this problem by using an injunction? **No, there is no problem. The current caption of this case is as follows and all further pleadings, motions or other documents filed with this court should have the following caption:**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-00229-WYD-MJW

**ERIC QUADE,
SIMON E. SUE,
NATHAN YBANEZ,
LARRY ALLEN THOMPSON,**

PLAINTIFFS,

v.

WARDEN KEVIN MILYARD, et al.

DEFENDANTS.

Date: February 5, 2009
