

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: June 4, 2009

Civil Action No. 07-cv-01712-MSK-MEH

Parties:

Counsel Appearing:

PETER GEORGACARAKOS,

Peter Georgacarakos *pro se*

Plaintiff,

v.

WILEY,
CRUZ,
JAVERNICK,
COLLINS,
SUDLOW,
MADISON,
CHURCH,
LT. JOHN DOE,
HEIM,
MARTINEZ,
FENLON,
PUGH,
HOOD,
HERSCHBERGER,
BUREAU OF PRISONS,
DEPT. OF JUSTICE, and
UNITED STATES,

J. Benefict Garcia
Juan Villasenor

Defendants.

COURTROOM MINUTES

HEARING: Final Pretrial Conference.

4:02 p.m. Court in session.

Plaintiff *pro se* is present by telephone. Counsel for defendants are present as listed above. Defendants are not present.

ORDER: Counsel for defendants shall purchase on an expedited basis a transcript of these proceedings and transmit to defendants. The clients shall not bear the cost of the transcript.

The Court addresses the Pending Motions.

The Court addresses Plaintiff's Motion for Return of Original Documents (**Doc. #397**) and Plaintiff's Motion for Order for Compliance with Order that Original Documents be returned (**Doc. #624**).

ORDER: The Motions at **Doc. #397 and #624** are **DENIED** as moot.

The Court addresses the Motion to Intervene by Ralph Gambina (**Doc. #429**), the Magistrate Judge's Recommendation to deny the motion (**Doc. #568**) and plaintiff's Objections to the ruling (**Doc. #594**).

ORDER: The Court adopts the recommendation of the Magistrate Judge and Gambina's Motion to Intervene (**Doc. #429**) is **DENIED**.

The Court addresses the Motion to Intervene by Richard Leverich (**Doc. #437**), the Magistrate Judge's Recommendation to deny the motion (**Doc. #577**) and Plaintiff's Objection to the recommendation (**Doc. #593**).

ORDER: The Court adopts the recommendation of the Magistrate Judge and Leverich's Motion to Intervene (**Doc. #437**) is **DENIED**.

The Court addresses Motion to Intervene by Casey Bernard Rodriguez (**Doc. #438**), the Magistrate Judge's Recommendation to deny the motion (**Doc. #578**), Plaintiff's Objections to the recommendation (**Doc. #605**).

ORDER: The Court adopts the recommendation of the Magistrate Judge and **DENIES** the Motion to Intervene (**Doc. #438**)

The Court addresses Motion to Intervene by Shane McMillan. (**Doc. #540**), the Magistrate Judge's Recommendations to deny the motion (**Doc. #621**) and Plaintiff's Objections (**Doc. #642**).

ORDER: The Court adopts the recommendation of the Magistrate Judge and **DENIES** the Motion to Intervene (**Doc. #540**)

The Court addresses Plaintiff's Motion for Summary Judgment (**Doc. #590**)

ORDER: Plaintiff's Motion for Summary Judgment (**Doc. #590**) is **DENIED** without prejudice.

The Court addresses plaintiff's Objections (**Doc. #592**) to Magistrate Judge's Order (**Doc. #565**) Denying Plaintiff's Motion to Compel (**Doc. #502**)

ORDER: The Court overrules plaintiff's Objections and affirms the Magistrate Judge's ruling. The Motion to Compel (**Doc. #502**) is **DENIED**.

The Court addresses Plaintiff's Motion for Leave to Proceed Under 28 U.S.C. §1915. (**Doc. #622**)

ORDER: The Motion for Leave (**Doc. #622**) is **DENIED** as moot.

The Court addresses Plaintiff's objections (**Doc. #634, 644**) to Magistrate's Orders Denying Plaintiff's Motion to Suppress Inaccurate Deposition (Doc. #618); Denying Plaintiff's Motion to Intervene (Doc. #628) and Order Denying Plaintiff's Motion to Intervene (Doc. #620).

ORDER: The Court overrules the Plaintiff's Objections and affirms the Magistrate Judge's denial of the plaintiff's motions at Doc. #596, #626 and #614).

The Court addresses Plaintiff's Objections (**Doc. #634, 648**) to Magistrate Judge's Orders Denying Plaintiff's Motion to Order Marshals to Serve Subpoena (Doc. #619) and Order Denying Plaintiff's Motion to Reopen Discovery (Doc. #641).

ORDER: Plaintiff's Objections are overruled and the Court affirms the Magistrate Judge's Rulings.

The Court addresses Plaintiff's Motion for Preliminary Injunction (**Doc. #637**).

ORDER: Plaintiff's Motion for Preliminary Injunction (**Doc. #637**) is **DENIED without prejudice.**

The Court addresses Plaintiff's Motion to Strike (**Doc. #654**).

ORDER: Plaintiff's Motion to Strike (**Doc. #654**) is **DENIED.**

The Court addresses Plaintiff's Motion for Sanctions (**Doc. #659**).

ORDER: The Plaintiff's Motion fo Sanctions (**Doc. #659**) is **DENIED.**

The Court addresses Plaintiff's Objections (**Doc. #660**) to Magistrate Judges Order denying Plaintiff's Motion to Compel (**Doc. #655**).

ORDER: The Plaintiff's Objections are overruled and the Magistrate Judge's ruling is affirmed.

The Court addresses Defendants' Motion for Summary Judgment (**Doc. #645**). The Court will rule on this motion in a written order upon further consideration.

The Court addresses the proposed Final Pretrial Order and its deficiencies and advises that a new proposed final pretrial order will need to be filed and a witness and exhibit list that comports with the Practice Standards of this Courtroom.

ORDER: Revised final pretrial order to be submitted by **June 22, 2009.**

ORDER: Revised witness and exhibit lists to be submitted by **June 22, 2009.**

The parties advise they have not participated in a settlement conference.

The Court addresses the time estimated by the parties for trial and that the time will be split among the parties evenly and tracked on a chess clock by the Courtroom Deputy.

ORDER: The Court instructs the parties to set a settlement conference with the Magistrate Judge and advise the Court in the revised Final Pretrial Order the date of same.

ORDER: Proposed *voir dire* and jury instructions will be filed within 20 days after the date of the settlement conference.

Courtroom Minutes
Judge Marcia S. Krieger
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The Court addresses questions from the parties..

5:13 p.m. Court in recess.

**Total Time: 1 hours 11 minutes.
Hearing concluded.**