

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 08-cv-00737-MSK-KLM

MR. KEITH PARKER,

Plaintiff,

v.

ARISTEDES W. ZAVARAS,
PAUL HOLLENBECK,
MR. ARELLANO,
CAPTAIN HALL,
DONNA WEBSTER,
M. MCCORMICK,
LT. PIPER, and
COLORADO DEPARTMENT OF CORRECTIONS,

Defendants.

**ORDER VACATING FINAL PRETRIAL CONFERENCE,
DENYING WITHOUT PREJUDICE MOTIONS FOR SUMMARY JUDGMENT, AND
DENYING MOTION TO STRIKE**

THIS MATTER comes before the Court on the Defendants' Motion to Reset the Final Pretrial Conference (**#374**), to which no response has been filed.

The recent Order (**#379**) regarding the Defendants' Motion to Dismiss substantially construes, filters, and delineates the claims on which Mr. Parker has alleged sufficient facts to proceed. Thus, it is appropriate to provide the parties with an opportunity to streamline their trial strategies, evidence, and arguments based on this Order. Accordingly, the Final Pretrial Conference shall be reset.

Furthermore, Defendants' Motion for Summary Judgment (#330) and Mr. Parker's Motion to Dismiss Defendants Motion for Summary Judgment and Grant Plaintiff's Motion for Summary Judgment (#341) are based on the earlier delineation of the claims and do not reflect this Court's Order Granting in Part Motion to Dismiss (#379). Accordingly, they address issues outside the scope of the claims remaining in this action and may not adequately address the claims as this Court has liberally construed them. Therefore, these motions shall be denied with leave to renew within 21 days of this Order. This order renders the Defendants' Motion to Strike (#370) moot.

IT IS THEREFORE ORDERED that

- (1) The Defendants' Motion to Reset the Final Pretrial Conference is (#374) is **GRANTED**.
- (2) The Final Pretrial Conference scheduled for March 30, 2010 at 9:00 a.m. is **VACATED**. Within ten days after briefing is complete on all motions for summary judgment, the Defendants shall file a motion to reset the Final Pretrial Conference.
- (3) The Defendants' Motion for Summary Judgment (#330) and Mr. Parker's Motion to Dismiss Defendants Motion for Summary Judgment and Grant Plaintiff's Motion for Summary Judgment (#341) are **DENIED WITH LEAVE TO RENEW**. The parties shall file any motions for summary judgment addressing the remaining claims by April 15, 2010.

(4) The Defendants' Motion to Strike (#370) is **DENIED AS MOOT**.

Dated this 25th day of March, 2010

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
United States District Judge