

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

**Civil Action No.: 08-cv-00738-CBS-KLM**

**FTR - Reporter Deck - Courtroom A402**

Consolidated with **08-cv-01436-CBS**

**Date: January 8, 2009**

**Courtroom Deputy: Cathy Coomes**

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MAEGHAN DODGE a/k/a MEAGHAN DODGE,

Thomas A. Barnes, Jr.

**Plaintiff,**

v.

DEBRA AHLIN, *et al.*,

Christopher W. Alber

**Defendants.**

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: TELEPHONIC STATUS CONFERENCE**

**Court in Session: 10:58 a.m.**

Court calls case. Appearances of counsel. Plaintiff, Maeghan Dodge, is also present via telephone for the conference. Richard Haas is also present.

Discussion regarding consolidating the cases and consent to the jurisdiction of a Magistrate Judge and pending motions in both cases.

The parties orally consent to the jurisdiction of a Magistrate Judge in both cases and are directed to sign and file the Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction.

The court discusses with Plaintiff her Motion for Withdrawal of Counsel (Doc. #63, filed 12/11/08 in case number 08-cv-00738) and Motion for Withdrawal of Counsel (Doc. #35, filed 12/22/08 in case number 08-cv-01436). Plaintiff states that she withdraws the motions. Mr. Barnes states that he will continue to represent Plaintiff.

- ORDERED:**
1. In case number **08-cv-00738-CBS-KLM**, Plaintiff's Motion for Withdrawal of Counsel (Doc. #63, filed 12/11/08) is withdrawn and deemed moot.
  2. In case number **08-cv-01436-CBS**, Plaintiff's Motion for Withdrawal of Counsel (Doc. #35, filed 12/22/08) is withdrawn and deemed moot.

The court discusses with Plaintiff her Motion for Leave to Amend Complaint (Doc. #62, filed 12/11/08 in case number 08-cv-00738-CBS-KLM).

**ORDERED:** In case number **08-cv-00738-CBS-KLM**, Plaintiff's Motion for Leave to Amend Pursuant to Rule 15(c) and 19(a) (Doc. #62, filed 12/11/08) is DENIED. The court finds that Plaintiff was represented by counsel at the time she filed the motion.

The court discusses with Mr. Barnes Plaintiff's First Motion to Amend Complaint (Doc. #64, filed 12/12/08 in case number 08-cv-00738-CBS-KLM) and the September 10, 2008, Amended Scheduling Order and Courtroom Minutes/Minute Order.

Mr. Barnes orally moves to admit Richard Haas *pro hoc vice* to represent Plaintiff. The court directs Mr. Haas to file a written motion.

Further discussion regarding Plaintiff's First Motion to Amend Complaint (Doc. #64, filed 12/12/08 in case number 08-cv-00738-CBS-KLM) and the September 10, 2008, Amended Scheduling Order and Courtroom Minutes/Minute Order.

**ORDERED:** In case number **08-cv-00738-CBS-KLM**, Plaintiff's First Motion to Amend Complaint (Doc. #64, filed 12/12/08) is withdrawn and deemed moot. Mr. Barnes is granted leave to refile the motion to address the Rule 16 and Rule 15 issues and which claims Plaintiff wishes to pursue, subject to Defendants' rights to file a Response.

The court discusses with Mr. Barnes compliance with Local Rules 7.1A and 7.1C. in both cases.

**ORDERED:** In case number **08-cv-01436-CBS**, Plaintiff's Motion to Strike Answer (Doc. #25, filed 10/28/08) and Plaintiff's Motion to Disqualify Counsel (Doc. #26, filed 10/28/08) are DENIED. The court finds that the motions do not comply with Local Rules 7.1A and 7.1C.

**ORDERED:** For reasons stated on the record, Defendant Bokros' Motion for Leave to File Answer Out of Time (Doc. #24, filed 10/28/08 in case number **08-cv-01436-CBS**) is GRANTED. The court finds that Plaintiff will not be prejudiced by the filing of an Answer out of time.

**ORDERED:** For reasons stated on the record, Defendant Bokros' Motion to Set Aside Entry of Default (Doc. #28, filed 10/28/08 in case number **08-cv-01436-CBS**) is GRANTED.

The discusses with Mr. Barnes Plaintiff's Motion for Extension of Time to File Plaintiff's Response to Defendants' Motion to Dismiss (Doc. #34, filed 12/22/08 in case number 08-cv-01436-CBS), which was filed by Plaintiff while she was represented by counsel.

Mr. Barnes states that he would like to file a motion for additional extension of time, based on the confusion of Ms. Dodge's *pro se* status.

Mr. Alber objects to any extension of time to file a response to the Motion to Dismiss.

- ORDERED:**
1. Plaintiff's Motion for Extension of Time to File Plaintiff's Response to Defendants' Motion to Dismiss (Doc. #34, filed 12/22/08 in case number **08-cv-01436-CBS**) is DENIED. The court finds that Plaintiff did not have the right to file the motion, since she was represented by counsel at that time.
  2. Mr. Barnes' oral motion for extension of time to file a response to Defendants' Motion to Dismiss in case number **08-cv-01436-CBS** is GRANTED. Plaintiff shall file a Response to the Motion to Dismiss **on or before January 28, 2009.**

Counsel are reminded to comply with the Local Rules.

The court notes that both cases have pending Motions to Dismiss.

The court provides counsel with case law regarding Statute of Limitations defense.

**ORDERED:** Discovery as to all of the parties **in both cases** will be stayed.

HEARING CONCLUDED.

**Court in recess: 11:43 a.m.**

Total time in court: 00:45

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