

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00761-WYD-KLM

RICHARD D. KELLAR,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF VETERAN AFFAIRS, a federal agency of the United States

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on three unopposed Motions filed by Plaintiff and interested party Dr. Deneen R. Gammons, Ph.D., pertaining to the Court's April 17, 2009 Order [Docket No. 98] granting Plaintiff leave to supplement the pending Joint Motion to Recuse [Docket Nos. 99, 100 & 101; Filed April 20, 2009] (the "Motions").

IT IS HEREBY **ORDERED** that Motion No. 99 is **GRANTED**. Although only Plaintiff moved and was given leave to file a supplement to the pending Joint Motion to Recuse [Docket No. 96], because the current Motion, which is filed by both Plaintiff and Dr. Gammons, is unopposed, the Court will permit the moving parties to file a "Joint Supplement to Motion to Recuse." Upon its filing, no further supplementation will be permitted.

IT IS HEREBY **ORDERED** that Motion No. 100 is **DENIED**. The Motion purports to seek clarification of the Court's April 17, 2009 Order, but does not indicate what the moving parties found to be unclear. I cannot provide the relief requested without identification of the source of the confusion.

IT IS HEREBY **ORDERED** that Motion No. 101 is **GRANTED**. Accordingly, on or before **April 24, 2009**, Plaintiff and Dr. Gammons shall file a "Joint Supplement to Motion to Recuse." No further extensions of time will be permitted.

IT IS FURTHER **ORDERED** that Defendant shall file a single Response to the Joint Motion to Recuse and the Joint Supplement to Motion to Recuse, if any, on or before **May 4, 2009**. Any Reply shall be filed no later than **May 11, 2009**. No extensions of these deadlines will be permitted.

By entry of this Minute Order, the Court makes no decision regarding the standing of a non-party witness to seek recusal. *See, e.g., United States v. Sciarra*, 851 F.2d 621, 634-36 (3d Cir. 1988). Any decision on that issue will be addressed in subsequent rulings.

Dated: April 21, 2009