

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00359-PAB-KLM

BONNIE GARCIA, individually and as putative personal representative of the estate of Joshua Garcia,

Plaintiff,

v.

COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO,
THE STATE OF COLORADO,
JOHN DEQUARDO, individually,
JAMES SEWELL, M.D., individually, and
CORRINE MARTINEZ CASIAS, individually,

Defendant(s).

ORDER STAYING CASE AS TO STATE DEFENDANTS

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Motion of Defendants Colorado Mental Health Institute at Pueblo and the State of Colorado [“State Defendants”] to Stay Discovery Pending Resolution of Motion to Dismiss Plaintiff[’s] Second Amended Complaint and Jury Demand and Request for Injunctive Relief** [Docket No. 68; Filed July 16, 2009] (the “Motion”). Plaintiff filed a Response in opposition to the Motion on August 4, 2009 [Docket No. 72], informing the Court that she had voluntarily agreed to dismiss her claims against State Defendants but objecting to the Motion to the extent that any order granting it would have the effect of staying discovery as to any other parties. *Response* [#72] at 2; *see also Response to Motion to Dismiss* [#71] at 2, 4-5. The Court notes that none of the other Defendants joined in filing the Motion, and the Court does not construe State Defendants’ Motion to be a request to stay all discovery as to all Defendants. Rather, the

Court interprets the Motion to be a request to stay discovery as to State Defendants only pending resolution of their Motion to Dismiss involving immunity grounds. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. Given that Plaintiff has agreed to dismiss her claims against State Defendants [Docket No. 71], until such dismissal takes effect, I agree that a stay of discovery as between Plaintiff and State Defendants is appropriate.

IT IS FURTHER **ORDERED** that discovery is **STAYED** as between Plaintiff and State Defendants only. Discovery is not stayed as to Defendants Dequardo, Sewell or Casias.

Dated: August 24, 2009

BY THE COURT:

s/ Kristen L. Mix
United States Magistrate Judge
Kristen L. Mix