

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-00983-WYD-KLM

WELLMAN E. GIBSON,

Plaintiff,

v.

ANNA MARIE CAMPBELL,  
C. HOLST, AIC,  
SHIRLEY STEINBECK,  
MARSHALL GRIFFITH,  
LT. STEINBECK, and  
DOCTOR ASSEN,

Defendants.

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**ORDER STAYING CASE**

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

This matter is before the Court on Plaintiff's pleading titled "**Reply to Order Denying Stay**" [Docket No. 172; Filed January 31, 2011]. The pleading was construed as a "Motion for Reconsideration" of my Order denying Plaintiff a six-month stay to recover from surgery on his hand, see *Order* [#168] at 2-4, and referred to me for resolution. As previously noted, the Court denied Plaintiff's request for a stay based, in part, upon Defendants' contention that Plaintiff was not scheduled for surgery [Docket No. 167]. However, Defendants now inform the Court that Plaintiff is scheduled to have surgery within the coming weeks and that such surgery, on his dominant hand, may require up to twelve weeks of recovery time. *Response* [#192] at 5-8. Accordingly,

IT IS HEREBY **ORDERED** that the Motion for Reconsideration is **GRANTED in part**. Although the Court finds that under these circumstances, a stay of the case is necessary,

the six-month stay proposed by Plaintiff is excessive. Therefore, the Court enters a stay of the case for approximately four (4) months from today's date, i.e., **August 1, 2011**. Because of the lengthy stay and the potential that case facts and evidence may be impacted by Plaintiff's surgery,

IT IS HEREBY **ORDERED** that Defendants' Motion for Summary Judgment [Docket No. 175] is **DENIED without prejudice**. Dispositive motions, if any, may be refiled on or before **October 1, 2011**.

IT IS FURTHER **ORDERED** that during the pendency of the stay, **neither party shall file pleadings with the Court, except under extraordinary circumstances or at the Court's direction**. Also during the pendency of the stay, Defendants shall ensure that Plaintiff has access to his AIC file (or documents contained therein) and that Plaintiff has access to his medical records as set forth in Order #194. The parties shall correspond with each other to ensure that these conditions are met. If Plaintiff loses access to either his AIC file (or documents contained therein) or access to his medical records during this time, Plaintiff shall alert counsel for Defendants who shall ensure that access is restored.

IT IS FURTHER **ORDERED** that if either party believes that the case would benefit from a status conference after expiration of the stay, they shall file a motion requesting this relief.

Dated: March 30, 2011

BY THE COURT:

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