

UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **09-cv-01029-JLK-MJW**

**JASON ANTHONY GRABER**

Plaintiff,

v.

**CITY AND COUNTY OF DENVER, a municipality,  
OFFICER SHAWN MILLER, in his official and individual capacity,  
UNKNOWN DENVER POLICE DEPARTMENT OFFICERS 1 - 2, in their official  
and individual capacities**

Defendants.

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MINUTE ORDER

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Judge John L. Kane ORDERS

This matter is before me on Plaintiffs' Motion to Modify Scheduling Order to Extend Time to Conduct Depositions (Doc. 31), filed March 25, 2010. As Plaintiff notes, a scheduling order may be modified "only for good cause and with [my] consent." Fed. R. Civ. P. 16(b)(4). I find that Plaintiffs have shown good cause for their failure to take the depositions as originally scheduled. Pursuant to D.C. Colo. L. Civ. R. 30.2, the pending depositions have been automatically stayed pending resolution of Defendants' Motion for Protective Order (Doc. 30). The merits of the parties' failure to reach agreement on the terms and conditions of the depositions notwithstanding, this automatic stay is beyond the control of Plaintiff. Accordingly, Plaintiff's Motion is GRANTED, and Plaintiff shall have 30 days to conduct the depositions of Defendant Miller and Officer Davis after I resolve the issues raised in Defendants' Motion for

Protective Order (Doc. 30).

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Dated: March 25, 2010