

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02434-REB-MJW

CINDY H. SANDOVAL,

Plaintiff,

v.

ANNA MARTINEZ-BARNISH,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the plaintiff's Motion for Reconsideration of Unopposed Motion to Reset Evidentiary Hearing (**Docket No. 64**) is **granted**. The evidentiary hearing set for July 15, 2010, at 10:00 a.m., is **vacated and reset to August 18, 2010, at 3:00 p.m.** in Courtroom A-502, Fifth Floor, Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado.

The court once again notes that the burden will be on the plaintiff to establish specific facts rebutting the certification that Anna Martinez-Barnish was acting within the scope of her federal employment at the time of the alleged incident. Richman v. Straley, 48 F.3d 1139, 1145 (10th Cir. 1995) ("This certification, although subject to de novo review, is prima facie evidence that an employee's challenged conduct was within the scope of his employment. The plaintiff then bears the burden of rebutting the scope-of-employment certification with specific facts."). It is further

ORDERED that the parties shall file their exhibit lists, witness lists, and any memoranda of law no later than **12 noon on August 11, 2010**.

Date: July 2, 2010
