

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-02802-REB-MEH

JEREMY C. MYERS, and
GREAT WESTERN SALVAGE LTD.

Plaintiffs,

v.

BRIAN KOOPMAN, Detective in the Loveland, Colorado Police department, in his
official and individual capacity;
LUKE HECKER, Chief of Loveland Police Department, in his official and individual
capacity;
DENNIS V. HARRISON, Chief of the Fort Collins Police Department, in his official and
individual capacity;
JAMES A. ALDERDEN, Sheriff of Larimer County, Colorado, in his official and individual
capacity;
CITY OF LOVELAND, Colorado, a municipality;
CITY OF FORT COLLINS, Colorado, a municipality;
LARIMER COUNTY, a County, by and through the
LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS;
LARRY ABRAHAMSON, District Attorney of the Eighth Judicial District in his official
capacity; and
EIGHTH JUDICIAL DISTRICT OF COLORADO, a political subdivision of the State of
Colorado,

Defendants.

ORDER CONTINUING TRIAL PREPARATION CONFERENCE AND TRIAL

Blackburn, J.

This matter is before me on the following: (1) **Joint Stipulated Motion To Vacate Trial Date Pending Determination of Entitlement To Qualified Immunity** [#79] filed June 16, 2010; and (2) the **Recommendation To Vacate Trial Date** [#111] filed October 29, 2010. I approve and adopt the recommendation and grant the motion.

No objections to the recommendation have been filed and, therefore, I review it

only for plain error. ***See Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

Currently pending before the court are motions for summary judgment in which several of the defendants assert the defense of qualified immunity. Appropriately, discovery as to these defendants has been stayed pending resolution of the issues related to their assertion of qualified immunity. These motions for summary judgment will be resolved in short order. Trial in this case currently is set for February 28, 2011. Assuming that one or more claims will remain pending once the pending motions for summary judgment are resolved, additional discovery must be conducted before this case will be ready for trial. The time available between now and February 28, 2011, is not sufficient to complete such discovery. Therefore, the trial currently set for February 28, 2011, and the trial preparation conference currently set for February 11, 2011, should be continued.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation To Vacate Trial Date** [#111] filed October 29, 2010, is **APPROVED** and **ADOPTED**;

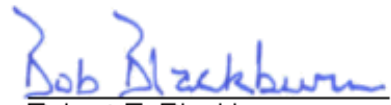
2. That the **Joint Stipulated Motion To Vacate Trial Date Pending Determination of Entitlement To Qualified Immunity** [#79] filed June 16, 2010, is **GRANTED**;

3. That the Trial Preparation Conference currently set for February 11, 2011, at 9:00 a.m., and the trial currently set for February 28, 2011, beginning at 9:00 a.m., are **VACATED** and **CONTINUED**, pending further order;

4. That a telephonic setting conference for the purpose of resetting the Trial Preparation Conference and the trial is set for **February 16, 2011**, at **10:00 a.m. (MST)**; provided, further, that counsel for the plaintiff **SHALL ARRANGE** and **COORDINATE** the conference call necessary to facilitate the setting conference.

Dated January 27, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge