

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge David L. West**

CIVIL COURTROOM MINUTES

**Civil Action No.: 10-CV-00033-WJM-DLW
Secretarial Assistant: Shirley W. Dills**

**Date: June 27, 2011
Tape No.: FTR**

CINDY ENOS-MARTINEZ,

Attorney: John Keith Killian

Plaintiff

v.

**BOARD OF COUNTY COMMISSIONERS
OF MESA COUNTY,**

Attorney: Alan Hassler

Defendant.

HEARING: ORAL ARGUMENT ON PLAINTIFF’S MOTION TO COMPEL DEPOSITIONS OF COUNTY COMMISSIONERS STEVE AQUAFRESCA, CRAIG MEIS, AND JANET ROWLAND, FORMER COUNTY EMPLOYEE TIM RYAN AND DEFENSE EXPERT PATRICK IBARRA [DOC. #82] AND PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE/REPLY TO MOTION FOR SUMMARY JUDGMENT [DOC. #81] AND SUPPORTING BRIEF IF PLAINTIFF’S REQUEST FOR RULE 56(d) RELIEF IS DENIED [DOC. #95]

Court in Session: 8:05 a.m.

Counsel for the Plaintiff, John Killian, appeared telephonically. Counsel for the Defendant, Alan Hassler, appeared in person.

Court heard argument from counsel for the Plaintiff and Defendant regarding the above-captioned motions and then allowed each side to respond to the other’s argument.

ORDERED:

- As to Plaintiff’s Motion to Compel Depositions [Doc. #82], the Court finds motion should be **DENIED** as to Defense Expert, Patrick Iberra. As to former County

Employee, Tim Ryan, and County Commissioners, Steve Aquafresca, Craig Meis and Janet Rowlan, Motion is **GRANTED** for the reasons set forth on the record.

ORDERED:

- As to Plaintiff's Motion for Extension of Time [Doc. #95] to File Response/Reply to [Doc.# 81] Motion for Summary Judgment and Supporting Brief if Plaintiff's Request for Rule 56(d) Relief is Denied, the Court finds that the Plaintiff has not complied with Judge Martinez's Practice Standards, II General Procedures(page 4), E Deadlines, paragraph 2, therefore, the Motion [Doc. #81] is **DENIED** for the reasons set forth on the record.

Parties believe that Defendant's Motion for Summary Judgment [Doc. 81] was referred to the Magistrate Judge and that a ruling on that is still outstanding, however, the Magistrate Judge is unaware of that referral and believes all the referred motions have now been ruled upon. The Magistrate Judge will check into the matter further to see if that is correct.

Once Judge Martinez has ruled upon the parties Defendant's objections to the Orders of the Magistrate Judge relating to Documents 33 and 68, the Magistrate Judge wants the parties to confer and make a list of what needs to be done consistent with Judge Martinez's rulings, then to contact the Magistrate Judge to discuss how to proceed.

Hearing Concluded

Court in Recess: 9:18 a.m.

Time: 1 Hour 13 Minutes