

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00059-WDM-MEH

GRAY PETERSON,

Plaintiff,

v.

ALVIN LACABE, individually and in his official capacity as Manager of Safety for the City and County of Denver, and
PETER WEIR, in his official capacity as Executive Director of the Colorado Department of Public Safety,

Defendants.

ORDER GRANTING DEFENDANT WEIR'S MOTION TO STAY DISCOVERY

Michael E. Hegarty, United States Magistrate Judge.

Pending before the Court is Defendant Weir's Motion to Stay Discovery [filed April 26, 2010; docket #14]. The motion is referred to this Court for disposition. (Docket #15.) Defendant Weir represents that counsel for Plaintiff and counsel for Defendant LaCabe do not object to the relief requested. (Docket #14 at 1-2.) For the following reasons, the Court **GRANTS** Defendant Weir's Motion to Stay Discovery.

Defendant Weir filed a Motion to Dismiss on March 1, 2010, raising the defense of absolute immunity pursuant to the Eleventh Amendment. (*See* docket #6.) Defendant Weir requests the Court to stay discovery, including Rule 26(a) disclosures, until the District Court rules on Defendant Weir's claim of immunity.

The Supreme Court established that "[o]ne of the purposes of immunity, absolute or qualified, is to spare a defendant not only unwarranted liability, but unwarranted demands customarily imposed upon those defending a long drawn out lawsuit." *Siebert v. Gilley*, 500 U.S.

226, 232 (1991). In light of this determination and that the motion before the Court is unopposed, the Court believes a stay is appropriate here.

Accordingly, for the reasons stated above, the Court **GRANTS** Defendant Weir's Motion to Stay Discovery [filed April 26, 2010; docket #14]. Discovery is hereby stayed as to Defendant Weir, including Rule 26(a) disclosure obligations, pending resolution of Defendant Weir's Motion to Dismiss.

Dated at Denver, Colorado, this 27th day of April, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial "M" and "H".

Michael E. Hegarty
United States Magistrate Judge