

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00215-KLM-MEH

MARK TUCKEL,

Plaintiff,

v.

MAJOR GROVER, and
STEVE KEYS,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants' **Motion to Stay Proceedings and Vacate Final Pre-Trial Conference Set for September 17, 2013 Pending Resolution of Qualified Immunity** [Docket No. 115; Filed September 9, 2013] (the "Motion"). In the Motion, Defendants request that the Court vacate the Final Pretrial Conference set on September 17, 2013 at 9:30 a.m. and "stay all proceedings pending resolution of the qualified immunity defense asserted in the Motion for Summary Judgment." *Motion* [#115] at 4. However, as Defendants note, on January 24, 2013, the parties were ordered to contact Judge Hegarty's chambers to set a Settlement Conference which the Court stated should be "conducted before the Final Pretrial Conference." *Courtroom Minutes/Minute Order* [#90] at 2. It is apparent from the Motion that no Settlement Conference has been set in this matter. See *Motion* [#115] at 4 ("Undersigned counsel joined this case in late June 2013 and has learned that Magistrate Judge Hegarty is not available to conduct a Settlement Conference until early to mid-October."). Since a Settlement Conference must still be set and held, it would be inappropriate for the Court to "stay all proceedings" as requested by Defendants. However, on August 12, 2013, Defendants filed their Supplemental Motion for Summary Judgment [#112] and Plaintiff's deadline to respond to that motion has been extended to September 27, 2013. See *Minute Order* [#114] at 1. In consideration of the pending dispositive motion,

IT IS HEREBY **ORDERED** that the Motion [#115] is **GRANTED in part** to the extent it seeks to vacate the Final Pretrial Conference set for September 17, 2013.

IT IS FURTHER **ORDERED** that the Final Pretrial Conference set for September 17,

2013 at 9:30 a.m. is **VACATED**. The Court will reset the Final Pretrial Conference, if necessary, after a Settlement Conference is held and Defendants' Supplemental Motion for Summary Judgment [#112] is resolved.

Dated: September 9, 2013