

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 10-cv-00320-PAB-KMT

MARK ALAN STREPKA,

Plaintiff,

v.

SERGEANT GERALD JONSGAARD, Individually and his official capacity as Aurora City
Police Officer, and
CITY OF AURORA, COLORADO, a second class city and a municipal corporation of Colorado,

Defendants.

ORDER

This matter is before the court on the “Status Report” filed by Defendants on August 30, 2011. [Doc. No. 127.]

On July 28, 2011, the Court held a Final Pretrial Conference [Doc. No. 22] at which time the Defendants were directed to update the proposed Final Pretrial Order to incorporate the Plaintiff’s drafted language with regard to the Plaintiff’s claims, special issues, and objections to exhibits and to submit the Proposed Final Pretrial Order to the court on or before August 31, 2011. Defendants contend that Plaintiff has refused to sign the proposed document because it does not contain certain “stipulation” to which the defendants refuse to stipulate. (Status Report at ¶¶ 3 and 6.)

Plaintiff apparently misapprehends the difference between “stipulations” and issue as to which the Plaintiff contends there should be no dispute based upon written responses to discovery. A stipulation is “a point or condition agreed upon” between the parties. WEBSTER’S NEW WORLD DICTIONARY OF AMERICAN ENGLISH 1318 (3d coll. ed. 1988). Plaintiff contends that certain facts “should be” undisputed based on evidence he has collected so far. The Defendants do not agree that those facts are undisputed. Therefore, they should not be included under the heading “Stipulations.”

Therefore, the Clerk shall file the Final Pretrial Order as submitted by the Defendants and signed by the court on August 31, 2011.

Dated this 31st day of August, 2011.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge