

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 10-cv-00951-WJM-MEH  
Courtroom Deputy: Cathy Coomes

Date: May 31, 2011  
FTR – Courtroom A501

DAVID JAMES CROSBY,  
  
Plaintiff,

*Pro Se* (by telephone)

vs.

MARGARET HEIL,  
J. D. SCOLLARD,  
CHRISTINE TYLER,  
CHRISTINA MARQUEZ,  
RICH LINS,  
BURL MCCULLAR,  
JAYLYNNE KOCH,  
SAMUEL DUNLAP, and  
CAPT. CRISTELLI,

Robert Huss

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**TELEPHONIC MOTION HEARING**

**Court in session: 1:38 p.m.**

Court calls case. Appearances of *pro se* Plaintiff by telephone and counsel for Defendants.

Plaintiff states that he has not yet received a copy of Defendants’ response to his Motion to Deny Defendant’s [sic] Motion for Summary Judgement Pursuant to Rule 56(f) [Doc. #104, filed 5/16/11] and requests a continuance of this hearing. Mr. Huss states that the response was mailed on May 26, 2011, and probably has not reached Plaintiff due to the weekend and holiday.

The Court will go forward with argument on the motion at this time.

Argument and discussion regarding Plaintiff’s Motion to Deny Defendant’s [sic] Motion for Summary Judgement Pursuant to Rule 56(f) [Doc. #104, filed 5/16/11].

**ORDERED:** 1. Plaintiff’s Motion to Deny Defendant’s [sic] Motion for Summary Judgement Pursuant to Rule 56(f) [Doc. #104, filed 5/16/11] is DENIED without prejudice as stated on the record.

2. A Telephonic Status Conference is set for **June 8, 2011, at 9:45 a.m.** Plaintiff shall participate in this conference by telephone. Plaintiff and his case manager, or a representative of the facility, shall contact the Court at (303)844-4507 on the above date and time in order to participate. Mr. Huss may also appear by telephone. The hearing may be vacated if the letters to be sent by Plaintiff by **June 3, 2011**, to Byron Wright and Milton McConnell are acceptable.

Plaintiff requests an additional 30 days to respond to Defendants' Motion for Summary Judgment. Mr. Huss has no objection to the extension.

**ORDERED:** 3. Plaintiff shall have to and including **July 7, 2011**, to respond to Defendants' Motion for Summary Judgment.

Argument and discussion regarding Plaintiff's Motion to Compel Discovery (Doc. #117, filed 5/27/11). The Court advises Plaintiff that Defendants filed a response to the motion on May 30, 2011.

**ORDERED:** 4. Plaintiff's Motion to Compel Discovery (Doc. #117, filed 5/27/11) is DENIED as stated on the record.

Discussion regarding resetting the Final Pretrial Conference.

**ORDERED:** 5. The Final Pretrial Conference set for August 5, 2011, is **reset for October 5, 2011, at 9:30 a.m.** Plaintiff shall participate in this conference by telephone. Plaintiff and his case manager, or a representative of the facility, shall contact the Court at (303)844-4507 on the above date and time in order to participate. The parties shall submit their proposed pretrial order, pursuant to District of Colorado Electronic Case Filing ("ECF") Procedures V.L. **no later than five (5) business days** prior to the pretrial conference. The proposed pretrial order to be submitted to the Magistrate Judge under the ECF Procedures must be submitted in a useable format (i.e., WordPerfect or Word only) and shall be emailed to the Magistrate Judge at [Hegarty\\_Chambers@cod.uscourts.gov](mailto:Hegarty_Chambers@cod.uscourts.gov).

**Court in recess: 2:08 p.m. (Hearing /concluded)**

**Total time in court: 0:30**