

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Craig B. Shaffer**

Civil Action: 10-cv-01105-WDM-CBS
Date: July 27, 2010

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Linda Kahoe

JOHN H. ALPERS, JR.,

Plaintiff,

Qusair Mohamedbhai
W. Harold Flowers, Jr.

v.

TOWN OF ERIE, *et al.*,

Defendants.

Sarah Elizabeth McCutcheon
Thomas Sullivan Rice

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 9:04 a.m.

Court calls case. Appearances of counsel. *Also present is Jennifer Wagner, Intern for Hurth, Yeager, Sisk & Blakemore, LLP.*

Parties have held a Rule 26(f) meeting and Rule 26(a) disclosures have been fulfilled.

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE:

Deadline for Amendment of pleadings/Joinder of parties: **SEPTEMBER 10, 2010**

Discovery Cut-off: **MARCH 31, 2011**

Dispositive Motions deadline: **APRIL 29, 2011**

Parties shall designate affirmative experts **on or before JANUARY 21, 2011**

Parties shall designate rebuttal experts **on or before FEBRUARY 28, 2011**

Each party shall be limited to **3** expert witnesses, absent leave of court.

Each party shall be limited to 10 depositions, absent leave of court.

Interrogatories, Requests for Production of Documents, and Requests for Admissions shall be served **no later than FEBRUARY 25, 2011.**

FINAL PRETRIAL CONFERENCE is set for **JULY 21, 2011 at 9:15 a.m.**

Final Pretrial Order is due **no later than FIVE DAYS before the Final Pretrial Conference.**

(See the court's website for Instructions for Preparation and Submission)

ORDERED: A **TELEPHONIC STATUS CONFERENCE** is set for **SEPTEMBER 30, 2010 at 10:45 a.m.** to discuss the prospects for settlement and the timing of a settlement conference. (*Counsel shall coordinate a conference call among themselves prior to contacting the court at 303.844.2117 at the scheduled time.*)

TRIAL:

The parties anticipate a 5 day jury trial.

Discussion regarding Motion to Stay Discovery Pending Determination of Qualified Immunity, doc #[15], filed 7/1/2010.

For the reasons as stated on the record, it is:

ORDERED: The Motion to Stay Discovery Pending Determination of Qualified Immunity, doc #[15] is **DENIED WITHOUT PREJUDICE** to the individual defendants' rights to assert qualified immunity in response to specific discovery requests, as appropriate. The court is also **DENYING** the Motion to Stay Discovery **WITHOUT PREJUDICE** to the Town of Erie's right to object, consistent with the factors set forth in Rule 26(b)(2)(c).

ORDERED: Plaintiff's Unopposed Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment & Motion to Stay Discovery is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** to the extent that it seeks time to respond to the Motion for Summary Judgment #[14]. The Response to the Motion for Summary Judgment is due on or before **JULY 30, 2010**. The Motion is **DENIED AS MOOT** to the extent that it seeks time to respond to the Motion to Stay Discovery.

Counsel may not file any **OPPOSED** discovery motions without leave of court. Counsel are instructed that should a discovery dispute arise they are to comply with Local Rule 7.1A. in an effort to resolve the issues. If that is unsuccessful, counsel shall establish a conference call adding Magistrate Judge Shaffer as the last connection. The Court will hear arguments and attempt to mediate a resolution. The Court will instruct counsel at that time as to whether or not to file a discovery motion.

- Scheduling Order is signed and entered with interlineations.

HEARING CONCLUDED.

Court in recess: 9:26 a.m.

Total time in court: 00:22

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.