

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

Civil Action No.: 10-cv-01105-WDM-CBS
Date: September 15, 2010

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

JOHN H. ALPERS, JR.,

Plaintiff,

Darold W. Killmer
Qusair Mohamedbhai
W. Harold Flowers, Jr.

v.

TOWN OF ERIE, *et al.*,

Defendants.

Thomas Sullivan Rice

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 3:30 p.m.

Court calls case. Appearances of counsel. *Plaintiff John H. Alpers, Jr. is also present.*

Discussion and arguments regarding Plaintiff’s Motion to Permit Further Discovery Pursuant to Federal Rule of Civil Procedure 56(f), doc #[25], filed 7/30/2010.

The court will propose to Judge Miller that he continue action on the Motion for Summary Judgment, doc #[14].

The court suggests that counsel draft a limited set of interrogatories and Rule 30(b)(6) notice. Mr. Rice states he could respond to written discovery within 15 days.

The court suggests that counsel take a week to determine the scope of the depositions. Mr. Killmer states the parties will attempt to work this out. The court requests that counsel contact the court for assistance, if necessary.

ORDERED: Plaintiff’s Motion to Permit Further Discovery Pursuant to Federal Rule of Civil Procedure 56(f), doc #[25] is **GRANTED IN PART AND DENIED IN PART**. The court finds that there is justification for limited discovery. To the extent that the Motion seeks that opportunity, the Motion is **GRANTED**. The Motion is **DENIED** in all other respects.

ORDERED: A Telephonic Status Conference is set for **OCTOBER 15, 2010 at 1:00 p.m.**
(*Counsel shall coordinate a conference call among themselves prior to contacting the court at 303.844.2117 at the scheduled time.*) The parties shall be prepared to advise the court of the progress of discovery, and shall propose a date by which discovery, uniquely directed to Rule 56(f), will be completed.

HEARING CONCLUDED.

Court in recess: 4:31 p.m.

Total time in court: 00:31

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