

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01168-PAB-KLM

GALE L. TAYLOR, and
DOUGLAS K. WALSCH,

Plaintiffs,

v.

CITY OF LONGMONT, COLORADO,
OFFICER BRIAN DEAN, in his official capacity, and
OFFICER SARA AERNE, in her official capacity,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant Aerne's **Motion to Stay All Further Proceedings Pending Determination of Defendants' Qualified Immunity** [Docket No. 48; Filed August 15, 2011] and Defendant Dean's **Motion to Stay All Further Proceedings Pending Determination of Defendants' Qualified Immunity** [Docket No. 49; Filed August 15, 2011] (the "Motions"). Defendants Dean and Aerne seek a stay of all further proceedings pending the District Court's adjudication of their recently-filed motions for summary judgment.¹ [Docket Nos. 45, 46; Filed August 5, 2011]. Both motions for summary judgment raise the defense of qualified immunity and, if granted, would dispose of all claims against these two defendants.

¹The Motions are opposed. In consideration of the right to relief as stated herein, the Court will not wait for a response before issuing this order. D.C.COLO.LCivR 7.1C (a judicial officer may rule on a motion at any time after it is filed).

Qualified immunity “give[s] government officials a right, not merely to avoid ‘standing trial,’ but also to avoid the burdens of ‘such pretrial matters as discovery’” *Behrens v. Pelletier*, 516 U.S. 299, 308 (1996) (citation omitted). Immunity questions should be resolved at the earliest possible stage of the litigation, thereby avoiding many of the associated burdens and costs. *Albright v. Rodriguez*, 51 F.3d 1531, 1534 (10th Cir. 1995). Here, the deadlines for completing discovery and filing dispositive motions have passed. The only remaining date or deadline is the Final Pretrial Conference scheduled for September 19, 2011. [Docket No. 35]. In light of the Court’s obligation to “exercise its discretion so that officials [properly asserting qualified immunity] are not subjected to unnecessary and burdensome discovery or trial proceedings,” *Crawford-El v. Britton*, 523 U.S. 574, 597-98 (1998), the Court grants Defendants’ Motions by vacating the Final Pretrial Conference pending resolution of the motions for summary judgment. The Court sees no need to impose a stay of all proceedings, as the discovery and dispositive motions deadlines have passed and no further proceedings remain. Accordingly,

IT IS HEREBY **ORDERED** that the Motions are **GRANTED in part**.

IT IS FURTHER **ORDERED** that the Final Pretrial Conference set for September 19, 2011 is **VACATED**. If the motions for summary judgment are denied in whole or in part, the Court will re-set the Final Pretrial Conference.

DATED: August 17, 2011 at Denver, Colorado.

BY THE COURT:

s/ Kristen L. Mix
Kristen L. Mix
United States Magistrate Judge