

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-01513-WJM-CBS

JOHNATHAN YOUNG, SR.,

Plaintiff,

v.

JASON BROCK,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO REOPEN DISCOVERY
AND SETTING TRIAL DATE**

Plaintiff Johnathan Young, Sr. ("Plaintiff") filed this action *pro se* against Defendant Jason Brock¹, an employee of the El Paso County Sheriff's Department, arising out of his pre-trial detention in the El Paso County Jail during July 2010. After discovery closed and the Final Pretrial Order had been entered, volunteer counsel entered an appearance on behalf of Plaintiff. (ECF Nos. 244-45.)

Contemporaneous with counsel's entry of appearance, Plaintiff filed an Unopposed Motion Pursuant to Fed. R. Civ. P. 16(e) for Leave to Reopen Discovery and for Status/Scheduling Conference ("Motion"). (ECF No. 246.) The Motion asks the Court to hold a status/scheduling conference and seeks leave to reopen discovery for the purpose of taking up to five oral depositions and propounding up to 15 requests for production, 15 requests for admission, and 10 interrogatories. (*Id.*) Defendant does not

¹ Plaintiff originally named a number of other Defendants in this action. However, at this point, the only remaining Defendant is Jason Brock.

oppose the relief requested so long as he is granted leave to conduct the same discovery.
(*Id.*)

The Court finds that a status/scheduling conference is unnecessary for resolution of the Motion. Based on the representations made in the Motion, and the Court's general understanding of this case, the Court finds that a manifest injustice would result were it to deny the Motion. Plaintiff was unrepresented through the entire discovery period and, as a prisoner, was not able to engage in the sort of discovery typical in a civil action. As no depositions of the named parties or witnesses to the events in dispute have yet been taken, the Court finds that allowing the requested discovery is likely to lead to relevant evidence. Moreover, counsel filed this request at the same time they entered an appearance in this case, thereby minimizing any potential delay or prejudice to Defendant. Notably, Defendant does not oppose the Motion. Finally, the Court has not yet set a date for trial and, given the Court's trial calendar, the next potential opening would not be affected by the requested reopening of discovery.

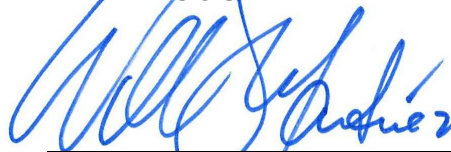
Accordingly, the Court hereby ORDERS as follows:

1. Plaintiff's Unopposed Motion Pursuant to Fed. R. Civ. P. 16(e) for Leave to Reopen Discovery and for Status/Scheduling Conference (ECF No. 246) is DENIED to the extent it seeks a status/scheduling conference and GRANTED to the extent it seeks leave to reopen discovery;
2. Discovery is REOPENED until October 25, 2013 for the purpose of allowing the parties to engage in the discovery requested in the Motion;
3. Counsel shall file any motion for leave to amend the Final Pretrial Order, including any demand for a trial by jury, not later than July 31, 2013; and

4. This case is set for a 4-day bench trial to commence at **8:00 a.m. on March 17, 2014 in Courtroom A801**. The Final Trial Preparation Conference will be held on **February 28, 2014 at 3:00 p.m.** The parties shall familiarize themselves with the undersigned's Revised Practice Standards, in general and as they relate to the Court's expectations and requirements with regard to Trials to the Court, and with particular emphasis on WJM Revised Practice Standard IV.B.4.f.1 & 2, which requires the parties to file Preliminary Proposed Findings of Fact and Conclusions of Law, along with a Proposed Order for Judgment and/or Relief. Appended as a schedule to these filings, the parties shall provide key sections from depositions (in full). This will assist the Court for purposes of context from which key findings of fact are drawn. All such materials are to be filed no later than 7 days prior to the date of the Final Trial Preparation Conference.

Dated this 18th day of June, 2013.

BY THE COURT:



William J. Martínez
United States District Judge