

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix**

Civil Action No.: 10-cv-02862-REB-KLM

**FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States
Courthouse
Courtroom Deputy, Cathy Coomes**

Date: June 23, 2011

DEAN CARBAJAL and
VICTORIA CARBAJAL,

Pro se (by telephone)
Pro se

Plaintiff(s),

v.

SEVENTH JUDICIAL DISTRICT,
MANDY ALLEN,
ARVADA CHIEF OF POLICE,
CITY OF ARVADA,
CITY OF DENVER,
THE CITY OF WESTMINSTER,

Jeffrey Driscoll
Patrick Sayas
Roberto Ramirez

Robert Wolf
Eric Ziporin
Jennifer Kemp

COLORADO DEPARTMENT OF CORRECTIONS,
A. J. DEANDREA,
DELTA COUNTY BOARD OF COUNTY COMMISSIONERS,
DENVER CHIEF OF POLICE,
LAURIE FREUND,
CHARLES GREENACRE,
DEPUTY HATCH,
JEFF HERRON,
DEPUTY DISTRICT ATTORNEY KRAMER,
JOURDAN LOPEZ-BASGALL,
GILBERTO LUCIO,
PATRICK MEESTER,
SANDRA MILLER,
STEVEN PATRICK,
SHERRI PRICE,
JOE QUINTANA,
BILL RAILEY,
DAVID ROMERO,
JAMES SCHUM,
MYRL SERRA,
B. SHROEDER,

GREGORY SULLIVAN,
CARROL WARNER,
JEFFREY WATTS,
CHRIS WELDON,
B. WOLFE,
BRIAN ONEILL,
MICHAEL ONEILL,
EDDIE GRUNINGER,
JESSE REMBERT,
JOEL SMITH,
SGT. SPEERMAN,
ADAM BARRETT,
JAMES DIXON,
ABBEGAYLE DORN, and
RICK MAHRE,

Pro se

David Brougham

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in session: 10:09 a.m.

Court calls case. Appearances of counsel and *pro se* parties.

This matter is before the Court for a Status Conference.

The Court reads the letter to *Pro Se* litigants to Plaintiffs, a copy is provided to all parties present in the courtroom, and a copy will be mailed to Mr. Carbajal with a copy of the Courtroom Minutes.

It is ORDERED: Mrs. Carbajal may not represent Mr. Carbajal, and Mr. Carbajal may not represent Mrs. Carbajal.

It is ORDERED: Mrs. Carbajal may not sign any pleadings for Mr. Carbajal.

The Court discusses with Mrs. Carbajal Defendants' Joint Notice of Non-Conferral (Doc. #151).

It is ORDERED: Mrs. Carbajal must comply with D.C.COLO.LCivR 7.1.

It is ORDERED: **On or before June 30, 2011**, Defendants' counsel shall file a Joint Notice of Proper Spelling of Defendants' Names.

It is ORDERED: Pursuant to the Federal Rules of Civil Procedure, no discovery shall take place in this case until a Scheduling Conference has been held.

It is ORDERED: No further motions shall be filed until a written order has been issued on the pending Motions to Dismiss.

It is ORDERED: Defendants' Joint Motion to Stay (Doc. #140) is **DENIED without prejudice** as premature. No discovery will take place until the Scheduling Conference is held.

It is ORDERED: A Scheduling Conference is set for **October, 20, 2011, at 10:00 a.m.** The hearing will be set for one hour. The proposed Scheduling Order shall be submitted **on or before October 13, 2011.**

The Court directs Mrs. Carbajal to the court's website, www.cod.uscourts.gov, to obtain the proper form to be used in preparing the proposed Scheduling Order. Mrs. Carbajal is advised that she must confer with Eric Ziporin on behalf of all Defense counsel in the preparation of the proposed Scheduling Order.

Pursuant to the Minute Order (Doc. #171) entered on June 20, 2011, Plaintiffs' responses to all pending Motions to Dismiss (Docs. #128, 135, 137, 141, and 142) are due on or before **July 8, 2011**; and Defendants replies, if any, are due on or before **July 22, 2011.**

Mr. Carbajal states that he has already filed responses to the Motions to Dismiss. The Court advises Mr. Carbajal that he may submit supplements to the motions on or before July 8, 2011, and that the supplements should be titled as such.

Discussion held regarding what responses have been received by the Clerk of the Court and Defense counsel from Plaintiff. Counsel indicate that they have now received all responses from Plaintiff. A copy of the Docket Sheet will be sent to Plaintiffs, along with a copy of the Courtroom Minutes.

It is ORDERED: Plaintiffs must send a copy of any and all responses to all defense attorneys and *pro se* Defendants. All responses must be signed by both Plaintiffs.

Discussion held with Mr. Carbajal regarding the issue of substitution of parties and possible amendments of the complaint, filing a motion to intervene on behalf of Mrs. Carbajal, changing Mr. Carbajal's mailing address to **Centennial Correctional Facility, East Canon Complex, P.O. Box 600, Canon City, Colorado 81215-0600**, Defendants' negation and avoidance of service, setting a hearing on the pending Motions to Dismiss filed by Defendants, and the filing of a Motion for Preliminary Injunction by Mr. Carbajal.

The Court again advises Mr. Carbajal that no motions shall be filed by any party until an

order on the Motions to Dismiss has been entered.

As to Mr. Carbajal's potential motion to intervene on behalf of Mrs. Carbajal, the Court advises Mr. Carbajal that there are no circumstances that would allow that type of motion to be granted.

The Court states that the issue of proper service will be addressed by the Court at a later time.

The Court advises Mr. Carbajal that a hearing on the Motions to Dismiss will not be set at this time.

Discussion with Defendant Greg Sullivan regarding the deadline for his reply to Plaintiffs' response (Doc. #155) to his Motion to Dismiss (Doc. #128). The Court directs Mr. Sullivan to the Clerk's office to obtain a copy of Plaintiffs' response (Doc. #155).

It is ORDERED: Mr. Sullivan's reply to Plaintiffs' response to his Motion to Dismiss (#128) is due **on or before July 7, 2011.**

Mr. Carbajal requests that Mrs. Carbajal be permitted to respond to motions filed by Defendants by e-mail. Defense counsel have no objections.

It is ORDERED: Plaintiffs may respond to any motions filed by Defendants by e-mail.

The Court notes that Plaintiffs' Response to Defendants' Joint Motion to Dismiss (Doc. #174) is actually a response to both Docs. #137 and #141. The Clerk of the Court is directed to correct this entry on the Docket Sheet.

HEARING CONCLUDED.

Court in recess: 11:06 a.m.
Total In-court time: 57 minutes

To order a transcript of this proceeding, contact Avery Woods Reporting at (303) 825-6119.