

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

VICTORIA CARBAJAL, and
DEAN CARBAJAL,

Plaintiffs,

v.

SEVENTH JUDICIAL DISTRICT, a political subdivision of the State of Colorado,
DELTA COUNTY BOARD OF COUNTY COMMISSIONERS, a political subdivision of
the State of Colorado,
MYRL SERRA, former District Attorney of the Seventh Judicial District, in his individual
capacity,
SHERRI PRICE, Deputy District Attorney of the Seventh Judicial District, in her
individual and official capacities,
PATRICIA KRAMER, former Deputy District Attorney of the Seventh Judicial District, in
her individual capacity,
JEFF BOYD HERRON, private counsel, in his individual capacity,
J. STEVEN PATRICK, District Court Judge of the Seventh Judicial District, in his
individual and official capacities,
CHARLES R. GREENACRE, District Court Judge of the Seventh Judicial District, in his
individual and official capacities,
SANDRA K. MILLER, Magistrate/County Court Judge of the Seventh Judicial District, in
her individual capacity,
JAMES W. SCHUM, District Court Judge of the Seventh Judicial District, in his
individual and official capacities,
MANDY ALLEN, Court Clerk of the Seventh Judicial District, in her individual and official
capacities,
CAROL WARNER, Chief Probation Officer of the Seventh Judicial District, in her
individual and official capacities,
RICHARD MAHAR, Probation Officer of the Seventh Judicial District, in his individual
and official capacities,
DAVID ROMERO, Probation Officer of the Seventh Judicial District, in his individual and
official capacities,
JOSEPH QUINTANA, Probation Officer of the Seventh Judicial District, in his individual
and official capacities,
UNKNOWN DELTA SHERIFF, in his individual and official capacities,
BILL RAILEY, Captain in the Delta Sheriff's Department, in his individual and official
capacities,
CHRIS WELDON, Sergeant in the Delta Sheriff's Department, in his individual and
official capacities,

TIMOTHY HATCH, Deputy Sheriff in the Delta Sheriff's Department, in his individual and official capacities,
BEA WOLFE, Deputy Sheriff in the Delta Sheriff's Department, in his individual and official capacities,
BENJAMIN SCHROEDER, Deputy Sheriff in the Delta Sheriff's Department, in his individual and official capacities,
CITY OF DENVER, a municipality of the State of Colorado,
DENVER CHIEF OF POLICE, in his individual and official capacities,
GILBERTO LUCIO, Detective in the Denver Police Department, in his individual and official capacities,
LAURIE FREUND, Detective in the Denver Police Department, in her individual and official capacities,
JAMES DIXON, Police Officer in the Denver Police Department, in his individual and official capacities,
ADAM BARRETT, Police Officer in the Denver Police Department, in his individual and official capacities,
PERRY SPEERMAN, Sergeant in the Denver Police Department, in his individual and official capacities,
JOEL SMITH, Police Officer in the Denver Police Department, in his individual and official capacities,
ABBEGAYLE DORN, Police Officer in the Denver Police Department, in her individual and official capacities,
JESSE REMBERT, Police Officer in the Denver Police Department, in his individual and official capacities,
JAY LOPEZ, Police Officer in the Denver Police Department, in his individual and official capacities,
MICHAEL O'NEILL, Police Officer in the Denver Police Department, in his individual and official capacities,
BRYAN O'NEILL, Police Officer in the Denver Police Department, in his individual and official capacities,
JEFFREY WATTS, Senior Detective Investigator for the Second Judicial District, in his individual and official capacities,
ED GRUNINGER, Detective Investigator for the Second Judicial District, in his individual and official capacities,
COLORADO DEPARTMENT OF CORRECTIONS, a political subdivision of the State of Colorado,
UNKNOWN CORRECTIONAL OFFICER 1, Correctional/Parole Officer in the Colorado Department of Corrections, in his individual and official capacities,
UNKNOWN CORRECTIONAL OFFICER 2, Correctional/Parole Officer in the Colorado Department of Corrections, in his individual and official capacities,
CITY OF WESTMINSTER, a municipality of the State of Colorado,
UNKNOWN WESTMINSTER POLICE OFFICER 1, in his individual and official capacities,
UNKNOWN WESTMINSTER POLICE OFFICER 2, in his individual and official capacities,

CITY OF ARVADA, a municipality of the State of Colorado,
DON WICK, Arvada Chief of Police, in his individual and official capacities,
PATRICK MEESTER, Police Officer in the Arvada Police Department, in his individual
and official capacities,
A.J. DEANDREA, Sergeant in the Arvada Police Department, in his individual and
official capacities,
JOURDAN LOPEZ-BASGALL, Police Officer in the Arvada Police Department, in his
individual and official capacities, and
GREGORY SULLIVAN, in his individual capacity, jointly and severally,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant City of Westminster's **Motion to Vacate Scheduling Conference** [Docket No. 225; Filed September 30, 2011] (the "Motion"). The Motion is opposed by Plaintiff Victoria Carbajal. See *Motion* [#225] at 1. However, a judicial officer may rule on a motion "at any time after it is filed." D.C.COLO.LCivR 7.1C. On August 8, 2011, the Court issued a Recommendation of United States Magistrate Judge [Docket No. 198] (the "Recommendation") on Defendants' pending Motions to Dismiss [Docket Nos. 128, 135, 137, 141 & 142]. Therein, the Court recommended, in part, that Plaintiff Victoria Carbajal be dismissed as a plaintiff, that several claims and Defendants be dismissed with prejudice, that the remaining issues in the Motions to Dismiss be denied without prejudice, and that Plaintiff Dean Carbajal be required to file a Third Amended Complaint of no more than twenty-five pages against the remaining Defendants within twenty-one days of the issuance of District Judge Robert E. Blackburn's order regarding the Recommendation. See *Recommendation* [#198] at 42-45. An order has not yet been issued. Accordingly, in light of the current posture of this case,

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER **ORDERED** that the Scheduling Conference currently set for October 20, 2011 at 10:00 a.m. is **VACATED**. The Scheduling Conference will be reset, if necessary, after final resolution of the Motions to Dismiss [Docket Nos. 128, 135, 137, 141 & 142].

Dated: October 5, 2011