

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00859-WJM-BNB

AMERICAN TRADITION INSTITUTE,
AMERICAN TRADITION PARTNERSHIP, and
ROD LUECK,

Plaintiffs,

v.

JOSHUA EPEL, individually,
JAMES TARPEY, individually and in his official capacity as a Commissioner of the Colorado
Public Utilities Commission, and
PAMELA PATTON, individually and in his official capacity as a Commissioner of the Colorado
Public Utilities Commission,

Defendants,

and

ENVIRONMENT COLORADO,
COLORADO ENVIRONMENTAL COALITION,
SIERRA CLUB, and
THE WILDERNESS SOCIETY,

Intervenor-Defendants.

ORDER

This matter arises on the **Joint Motion for Partial Stay and to Vacate Scheduling Conference** [Doc. # 69, filed 8/10/2012] (the “Motion”). Good cause having been shown,

IT IS ORDERED:

- (1) The Motion [Doc. # 69] is GRANTED;

(2) The following schedule for further proceedings is established:

(a) Written discovery to plaintiffs related to the issues of standing and jurisdiction shall be served on or before **September 14, 2012**. Any subpoenas to third parties for discovery concerning the issues of standing and jurisdiction shall be served so that the discovery may be completed prior to the discovery cut-off specified in subpart (d) below;

(b) The defendants shall file and serve on or before **September 14, 2012**, a tentative schedule of the depositions they propose to take related to the issues of standing and jurisdiction. The tentative schedule is not binding and is intended to allow the plaintiffs to address the proposed depositions in their anticipated motion for protective order;

(c) The plaintiffs shall file a motion for protective order concerning discovery related to the issues of standing and jurisdiction, if at all, on or before **October 15, 2012**;

(d) The cut-off for discovery related to the issues of standing and jurisdiction shall be (i) 90 days after resolution of the plaintiffs' anticipated motion for protective order, or (ii) January 21, 2013, if no such motion is filed;

(e) The defendants shall file any motion for summary judgment based on standing, jurisdiction, or any other matter which does not require discovery no later than 30 days after the discovery cut-off specified in subpart (d) above;

(f) The plaintiffs shall file any motion for judgment on the pleadings no later than 30 days after the discovery cut-off specified in subpart (d) above;

(3) Other than as specified in part (2) above, discovery is STAYED and the scheduling conference is VACATED pending further order of the court; and

(4) On **January 21, 2013**, the parties shall file a status report describing the status of

the case and identifying any matters which should be addressed by the court.

Dated September 4, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge