

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 11-cv-00967-REB-KMT

FTR - Courtroom C-201

Date: October 26, 2011

Deputy Clerk, Nick Richards

TIMOTHY JOHN KENNEDY,

Brice A. Tondre

Plaintiff,

v.

MARK A. FINLEY,
ERNEST ROGER PEELE,
SHERIFF JOHN WESLEY ANDERSON,
EL PASO COUNTY SHERIFF'S OFFICE, and
UNITED STATES OF AMERICA,

Amy R. Folsom (by phone)
Diana Kay May (by phone)
Amy L. Padden

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 10:04 a.m.

Court calls case. Appearances of counsel. Defendant Ernest Roger Peele is present with Ms. Padden.

Motion Hearing called regarding Defendant's Motion to Stay Discovery [Doc. No. 25, filed September 2, 2011] and Federal Defendants' Motion for Protective Order [Doc. No. 44, filed October 5, 2011].

Discussion of Motion to Stay with regards to the federal defendants.

It is **ORDERED**: Defendant's Motion to Stay Discovery [25] is **GRANTED**. Discovery is stayed as to defendants Peele and the United States of America until ruling from District Judge Robert E. Blackburn on Motion to Dismiss by Defendant Peele [Doc. No. 34, filed September 13, 2011] and Motion to Dismiss by Defendant United States of America [Doc. No. 35, filed September 13, 2011]. Should the case survive, the stay will be automatically lifted the day the Orders on Motion to Dismiss [34] and Motion to Dismiss [35] are issued.

Counsel for defendant's Peele and the United States of America may attend depositions noticed by plaintiff's counsel.

It is **ORDERED**: Federal Defendants' Motion for Protective Order [44] is **GRANTED**. Should the case survive as to the federal defendants subsequent to District Judge Robert E. Blackburn's rulings on Motion to Dismiss [34] and Motion to Dismiss [35], the United States is directed to file its supplements to initial disclosures and produce any outstanding discovery within 10 days of those rulings.

It is **ORDERED**: Defense counsel shall check on the litigation hold placed on documents in question to ensure documents are not destroyed.

Court in Recess: 10:29 a.m.

Hearing concluded.

Total In-Court Time 00:25

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