

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No.: 11-cv-01377-WJM-CBS
Date: May 15, 2012

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Robin Mason

Parties:

GLEN PELLETIER, *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

Counsel:

Christopher Jonathan Pooley

Glenn Matthew Girdharry

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in Session: 9:54 a.m.

Court calls case. Appearances of counsel.

The court addresses the parties regarding plaintiff's MOTION for Discovery (Docket No. 76, filed on 4/27/2012), plaintiff's MOTION for Leave to file corrected #75 Amended Complaint (Docket No. 81, filed on 5/2/2012), defendant's RESPONSE to #81 MOTION for Leave to file corrected #75 Amended Complaint (Docket no. 85, filed on 5/14/2012), and defendant's MOTION to Strike #75 Amended Complaint, under Fed. R. Civ. P. 8(a), MOTION to Dismiss Amended Complaint under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Docket No. 84, filed on 5/11/2012). The court further addresses the parties regarding how to move this case forward.

Discussion between the court and Mr. Pooley regarding how plaintiff's MOTION for Leave to file corrected #75 Amended Complaint (Docket No. 81, filed on 5/2/2012) differs from plaintiff's AMENDED COMPLAINT against All Defendants (Docket No. 75, filed on 4/27/2012). Mr. Pooley advises the court that the amended complaint was filed to correct typos and make clarifications; nothing substantive was changed.

Discussion between the court and Mr. Pooley regarding Rule 8 and the issues the court has with paragraphs from the original complaint (Docket No. 75, filed on 4/27/2012). The issues outlined included paragraph 156, paragraph 158, paragraph 160, and paragraph 161.

ORDERED: For reasons as stated on the record, the court **DENIES** as unnecessary and untimely according to Rule 15(a) plaintiff's MOTION for Leave to file corrected #75 Amended Complaint (Docket No. 81, filed on 5/2/2012). The court instructs the plaintiff to make any further points of clarification in his response to the motion to dismiss.

ORDERED: For reasons as stated on the record, the court **DENIES without prejudice** the plaintiff's MOTION for Discovery (Docket No. 76, filed on 4/27/2012). The court will need to review the briefing on the motion to dismiss first before a ruling can be made. The court needs to know what claims and theories the plaintiff will be moving forward. The issue of discovery will be taken up at a more appropriate time.

Discussion between the court and Mr. Pooley regarding the amount of time he has left to file his response to the defendant's MOTION to Strike 75 Amended Complaint, under Fed. R. Civ. P. 8(a), MOTION to Dismiss Amended Complaint under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Docket No. 84, filed on 5/11/2012).

Mr. Girdharry addresses the court regarding the setting of a further Scheduling Conference. The court advises the parties that there is no need, at this time, to set any hearings or deadlines until the Rule 12 issue have been figured out.

HEARING CONCLUDED.

Court in recess: 10:14 a.m.

Total time in court: 00:20

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