

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-02285-NYW

CENTER FOR LEGAL ADVOCACY, d/b/a DISABILITY LAW COLORADO,

Plaintiff,

v.

REGGIE BICHA, in his official capacity as Executive Director of the Colorado Department of Human Services; and
RONALD B. HALE, in his official capacity as Superintendent of the Colorado Mental Health Institute at Pueblo,

Defendants.

**ORDER GRANTING MOTION TO REOPEN ACTION
FOR ENFORCEMENT OF SETTLEMENT AGREEMENT**

Magistrate Judge Nina Y. Wang

This matter is before the court on the Motion to Reopen Action for Enforcement of Settlement Agreement [#53, filed on November 18, 2015] pursuant to 28 U.S.C. § 636(c), the Order of Reference for all purposes dated February 21, 2012 [#44], and the Reassignment dated November 19, 2015 [#58]. The court has reviewed the Parties' briefing [#57, #59], the Settlement Agreement [#53-1], the entire case file including the court's Order of Dismissal [#52], and the applicable case law. There is no dispute between the Parties that this court retains jurisdiction to enforce the Settlement Agreement. [#57 at 7]. Nevertheless, Defendants contend that this court should decline to re-open the case because they are not in violation of the Settlement Agreement or it should only be re-opened for the purposes of formal mediation. [#57]. Respectfully, Defendants' position puts the cart before the horse.

The only question that is ripe before the court on the Motion to Reopen is whether this case should be re-opened to consider Plaintiff's allegation that the Settlement Agreement has been breached. In light of Defendants' concession that errors in reporting did, in fact, occur repeatedly [#57 at 11], and Plaintiff's articulated concern regarding mentally-ill detainees, this court finds that it is appropriate for this case to be re-opened. Accordingly, **IT IS ORDERED** that:

(1) The Motion to Reopen Action for Enforcement of Settlement Agreement [#53] is **GRANTED**, insofar as it seeks to reopen the case to allow the court to consider whether the Settlement Agreement has been breached and whether to order enforcement; and

(2) This matter is set for a Status Conference on **December 29, 2015 at 10:00 a.m.** to discuss Plaintiff's request for discovery and an evidentiary hearing. On or before **December 27, 2015**, the Parties will meet and confer about and file a Joint Status Report addressing Plaintiff's requested discovery and a proposed scope and procedure for hearing.

DATED: December 18, 2015

BY THE COURT:

s/ Nina Y. Wang_____

Nina Y. Wang

United States Magistrate Judge