

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

Civil Action No. 11-cv-02755-WJM-KMT

JONATHAN REYES,

Plaintiff,

v.

SNOWCAP CREAMERY, INC.,
EMILY ARNOLD, and
ROBERT ARNOLD,

Defendants.

ORDER

On September 12, 2012, Plaintiff filed a motion to stay compliance with the Magistrate Judge's ruling made on August 8, 2012 [Doc. No. 27] to which Plaintiff had filed an objection on August 22, 2012 [Doc. No. 28].¹ The Defendants filed their response to Plaintiff's objection to the Magistrate Judge's ruling on September 4, 2012. [Doc. No. 30.]

¹ Plaintiff purposefully chose to bypass D.C.COLO.LCivR 30.2.B which provides "[A]ny stay of the magistrate judge's order must be sought and obtained separately by motion filed initially with the magistrate judge, and if denied, then with the assigned district court judge." Plaintiff instead filed his motion [Doc. No. 31] indicating he was specifically requesting a stay from ". . . Judge William J. Martinez, at the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294-3589, at the time scheduled by the Court, for an order (1) staying Magistrate Judge Tafoya's Order of August 8, 2012 pending the Court's ruling on Plaintiff's objection to that order filed on August 22, 2012 and (2) extending all upcoming deadlines by 63 days."

On September 13, 2012, the District Court granted the stay temporarily relieving the Plaintiff from his obligation to produce documents as ordered by the Magistrate Judge [Doc. No. 32] “until the Court rules on his 28 Objection to Magistrate Judge Tafoya’s 27 Order on Defendants’ Motion to Compel.” District Judge Martínez referred the request for extension of discovery deadlines to this court.

The discovery deadline in this case had been extended until September 21, 2012 for the sole purpose of allowing the Defendants time, subsequent to the production of documents as ordered by the Magistrate Judge, to complete a continued deposition of Plaintiff. The dispositive motion deadline was continued to October 22, 2012, and the Final Pretrial Conference was set for December 18, 2012 at 9:45 a.m. Whether any additional time for discovery in this case will be warranted is now dependent upon the District Court’s ruling on the plaintiff’s objection. Further, selection of a reasonable date within which to set a dispositive motion deadline and a Final Pretrial Conference are likewise dependent upon the timing of the District Court’s ruling.

Therefore, it is **ORDERED**

The deadline for completion of discovery of September 21, 2012 and the deadline for filing dispositive motions of October 22, 2012 are hereby **VACATED**. Further, the Final Pretrial Conference set for December 18, 2012 is also **VACATED**.

It is further **ORDERED**

The parties are to file a status report within five days of the ruling by the District Court on Plaintiff's Objections [Doc. No. 28] addressing the need for further discovery and scheduling based on the outcome of the District Court's ruling.

Dated this 19th day of September, 2012.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge