

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE RAYMOND P. MOORE**

Courtroom Deputy: Nick Richards
Court Reporter: Tammy Hoffschildt

Date: May 28, 2013

CASE NO. 12-cv-00936-RM-KMT

Parties

JERROD THOELE,

Plaintiff,

Counsel

Arash Jahanian
Qusair Mohamedbhai
Siddhartha Hardas Rathod

vs.

ROGER WERHOLTZ, Interim Executive
Director of the Colorado Department of
Corrections, in his official capacity,
JEFFREY WELLS, Community Parole
Officer, in his individual and official
capacities,
JIM KELLER, Colorado Department of
Corrections Parole Team Leader, in his
individual and official capacities,
LIESL SCHUMACHER, Colorado
Department of Corrections Parole
Supervisor, in his individual and official
capacities, and
JOHN OREY, Colorado Department of
Corrections Parole Supervisor, in his
individual and official capacities,

Kristine Kay Hayter
David R. DeMuro
Jennifer Christine Madsen

Defendants.

COURTROOM MINUTES

STATUS CONFERENCE

COURT IN SESSION: 8:56 a.m.

Court calls case. Appearances of counsel. Ms. Hayter appears via telephone.

Status Conference called regarding Defendant Wells' Motion to Dismiss Plaintiffs' Amended Complaint (Doc. 14) Pursuant to Fed. R. Civ. P. 12(b) [Doc. No. 61, filed January 11, 2013], Defendants Tom Clements, Jim Keller, Liesl Schumacher and John Orey's Motion to Dismiss Amended Complaint (Doc No. 14) [Doc. No. 63, filed January 11, 2013], Defendants' Motion to Reconsider Order Converting Their Rule 12(b)(6) Motions to Dismiss into Motions for Summary Judgment [Doc. No. 90, filed February 15, 2013], Defendants' Motion to Vacate the July 15, 2013 Trial Dates and All Pretrial Deadlines [Doc. No. 94, filed March 1, 2013], and Plaintiffs' Motion for Reconsideration of Order Ruling on Withdrawn Motions to Dismiss [#99] [Doc. No. 103, filed April 26, 2013].

9:01 a.m. Comments from Mr. Jahanian.

9:06 a.m. Comments from Mr. DeMuro.

9:08 a.m. Comments from Ms. Hayter.

9:12 a.m. Findings by the Court.

It is **ORDERED**: Defendants Wells' Motion to Dismiss [61] and Defendants Tom Clements, Jim Keller, Liesl Schumacher and John Orey's Motion to Dismiss [63] are **TAKEN UNDER ADVISEMENT**.

It is **ORDERED**: Defendants' Motion to Reconsider [90] is **DENIED WITHOUT PREJUDICE** as stated on the record.

It is **ORDERED**: Defendants' Motion to Vacate the July 15, 2013 Trial Date and All Pretrial Deadlines [94] is **GRANTED**. The July 15, 2013 jury trial, the June 28, 2013 Final Pretrial Conference and Trial Preparation Conference, and any deadlines or filings associated with those settings are **VACATED**, to be reset at a later time.

It is **ORDERED**: Plaintiffs' Motion for Reconsideration [103] is **GRANTED** as stated on the record. Ms. Hayter's response, due May 31, 2013, is no longer required as the matter is now moot.

The Court notes the stay of discovery currently in place shall remain in effect at this time.

COURT IN RECESS: 9:20 a.m.

Total in court time: 00:24

Hearing concluded