

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

Civil Action: 13-cv-00969-CMA-CBS
Date: August 13, 2013

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

KEVIN SMITH,

Plaintiff,

Counsel:

Raymond K. Bryant

v.

CARLA HAVARD, *et al.*,

Defendants.

Jamesy C. Owen
Matthew R. Hader

COURTROOM MINUTES/MINUTE ORDER

HEARING: STATUS CONFERENCE

Court in session: 10:50 a.m.

Court calls case. Appearances of counsel.

Discussion between the court and counsel for Plaintiff regarding the Notice of Settlement filed by Defendants Terri Baker and Mr. A's Restaurant and Lounge.

ORDERED: Plaintiff shall file dismissal paperwork related to Defendants Terri Baker and Mr. A's Restaurant and Lounge **no later than August 27, 2013.**

Discussion between the court and the parties regarding the pending motions before the court.

ORDERED: Terri Baker's and Mr. A's Restaurant and Lounge's MOTION to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. No. 21, filed 6/14/2013] is **DENIED AS MOOT** in light of Plaintiff's First Amended Complaint.

ORDERED: Denver Defendants' MOTION to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. No. 17, filed 6/6/2013] is **DENIED AS MOOT** in light of Plaintiff's First Amended Complaint.

ORDERED: Denver Defendants' MOTION to Vacate Scheduling Order and to Stay

Discovery Pending Resolution of Defendants' Motion to Dismiss [Doc. No. 24, filed 6/21/2013] is **DENIED AS MOOT** in light of the filing of Denver Defendants' Motion to Stay Discovery [Doc. No. 40].

Discussion between the court and counsel for Defendants regarding **Denver Defendants' MOTION to Dismiss Plaintiff's First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)** [Doc. No. 36, filed 7/12/2013]. The court notes the pending motion has not been fully briefed.

Discussion regarding whether discovery should proceed on the claim that Defendants are not seeking to dismiss in their Motion, case law cited by Defendants, and a surveillance video in question.

Discussion between the court and counsel for Plaintiff regarding the allegations in the First Amended Complaint related to the Motion to Dismiss.

The court states discovery will be stayed until briefing on the Motion to Dismiss is completed and addresses the parties regarding the case moving forward and its concern with a complete stay of discovery.

HEARING CONCLUDED.

Court in recess: 11:38 a.m.

Total time in court: 00:48

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