

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

Civil Action: 13-cv-01721-PAB-CBS
Date: March 3, 2014

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

Parties:

Counsel:

JARED WELSH,

Alison L. Ruttenberg (*appearing by phone*)

Plaintiff,

v.

NEIL BISHOP, *et al.*,

Alan N. Hassler

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:32 p.m.

Court calls case. Appearances of counsel.

This matter is before the court regarding Plaintiff's **Motion for Leave to File Amended Complaint** [Doc. No. 37] and **Defendants' Motion for Protective Order to Stay Discovery Pending Resolution of Qualified Immunity Issue** [Doc. No. 33].

Discussion between the court and the parties regarding *Motion for Leave to File Amended Complaint* [Doc. No. 37], changes that would be reflected in the new complaint, Plaintiff withdrawing the current proposed amended complaint and re-filing a revised version, and allowing Plaintiff to conduct a limited Rule 30(b)(6) deposition. The court cites relevant case law.

Counsel for Plaintiff represents she would like to withdraw Doc. No. 37.

ORDERED: Plaintiff's oral motion to withdraw Doc. No. 37 is **GRANTED**. *Motion for Leave to File Amended Complaint* [Doc. No. 37, filed 1/31/2014] is **WITHDRAWN without prejudice**.

ORDERED: *Defendants' Motion for Protective Order to Stay Discovery Pending Resolution of Qualified Immunity Issue* [Doc. No. 33, filed 1/28/2014] is **GRANTED in part** and **DENIED in part**.

The *Motion* is **denied** to the extent that the court will allow Plaintiff's counsel to take a Rule 30(b)(6) deposition of the appropriate county official or witness for the limited purpose of identifying the John Does who were decision makers and/or personally participated in the hold-back tray situation. The court will allow that deposition to go forward for 90 minutes. The *Motion* is **granted** to the extent all other discovery shall be **STAYED** pending completion of the 30(b)(6) deposition and the filing of a new motion for leave to file an amended complaint. Plaintiff shall have **30 days** to conduct that deposition and file a new motion.

Discussion between the court and Defense counsel regarding Defendants' **Motion to Dismiss** [Doc. No. 29] being largely rendered moot in light of today's discussion. Defense counsel has no objection to withdrawing their *Motion to Dismiss*.

ORDERED: *Defendants' Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6)* [Doc. No. 29, filed 12/31/2013] is **WITHDRAWN without prejudice**.

Discussion between the court and counsel regarding Defendants' discovery responses being re-sent to Plaintiff.

HEARING CONCLUDED.

Court in recess: 2:20 p.m.

Total time in court: 00:48

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