

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-01738-MSK-MJW

ELIZABETH WAJDACZ,

Plaintiff,

v.

ROBERT E. BLACKBURN,
MICHAEL E. HEGARTY,
ERIC LAMPHERE,
KIM DELINE,
MICHAEL WATTS,
RUTHERFORD, MULLEN & MOORE,
LINDSEY TOPPER,
COLORADO SPRINGS CITY POLICE DEPARTMENT,
SGT. JOEL KERN,
W. LAMBERT,
LT. SCOTT WHITTINGTON,
MEDINA GENERAL HOSPITAL,
AKRON CHILDREN'S HOSPITAL MEDICAL CENTER OF AKRON,
ASHLAND COUNTY DEPARTMENT OF HUMAN SERVICES, and
CITY OF COLORADO SPRINGS, COLORADO,

Defendants.

ORDER

The parties, other than Medina General Hospital, Akron Children's Hospital Medical Center of Akron, and Ashland County Department of Human Services, which have not yet entered an appearance,¹ attended a status conference this morning on the order of Magistrate

¹At the status conference, the plaintiff informed me that she has completed service against Medina General Hospital, Akron Children's Hospital Medical Center of Akron, and Ashland County Department of Human Services, which are located in Ohio, by certified mail as, she states, is permitted under Ohio state procedure.

Judge Michael J. Watanabe. Judge Watanabe is sick and was unable to attend the status conference. The status conference ordinarily would have been vacated and reset in view of Judge Watanabe's illness, but the plaintiff, who is proceeding pro se, has provided only a Post Office Box as a mailing address,² and notice of resetting the conference was impracticable. Consequently, I conducted the status conference in Judge Watanabe's absence and at his request.

The case was commenced by the filing of a Complaint [Doc. # 1] on July 2, 2013. The City Defendants³ and the Federal Defendants⁴ filed motions to dismiss the original Complaint, and Lindsey Topper filed an answer to the original Complaint. Subsequently, the plaintiff filed an Amended Complaint [Doc. # 22]. The City Defendants and the Federal Defendants orally moved to withdraw their initial motions to dismiss, which requests I granted.

The plaintiff expressed her intention to proceed pro se. I advised her of the availability of the Pilot Program to Implement a Civil Pro Bono Panel and informed her of her right to file a motion requesting the appointment of counsel. Pilot Program at ¶ III.B(2).

I informed the plaintiff of her obligation to be familiar with the Federal Rules of Civil Procedure, the local rules for the District of Colorado, the Federal Rules of Evidence, and Chief Judge Krieger's Practice Standards.

²The plaintiff states that she lives in her truck, does not have a regular street address, and has no telephone or email.

³The City Defendants are composed of Eric Lamphere, the Colorado Springs City Police Department, Sgt. Joel Kern, W. Lampert, Lt. Scott Whittington, and the City of Colorado Springs, Colorado.

⁴The Federal Defendants are Judge Robert E. Blackburn and Magistrate Judge Michael E. Hegarty.

In addition, and consistent with matters discussed at the status conference this morning,
IT IS ORDERED:

(1) A scheduling conference pursuant to Fed. R. Civ. P. 16(b) is set for October 21, 2013, at 3:30 p.m., in Courtroom 502, 5th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. Counsel and pro se parties must attend the scheduling conference in person.

(2) In anticipation of the scheduling conference, counsel and pro se parties shall submit to counsel for the City Defendants, on or before September 26, 2013, their input to the proposed scheduling order. Counsel for the City Defendants shall compile the input and prepare a draft proposed scheduling order in the proper form.

(3) The parties shall conduct their Rule 26(f) conference on October 1, 2013, at 10:00 a.m., at the Colorado Springs City Attorney's Office, 30 South Nevada Avenue, Colorado Springs, Colorado.

(4) The parties shall submit the proposed scheduling order to the court on or before October 14, 2013.

(5) The plaintiff must check her Post Office Box for mail no less frequently than three times per week to assure that she receives all materials relating to this case in a timely manner.

(6) City Defendants' Motion to Dismiss [Doc. # 13, filed 8/6/2013] is moot and is DENIED as withdrawn.

(7) Defendants Robert E. Blackburn and Michael E. Hegarty's Motion to Dismiss [Doc. # 21, filed 8/20/2013] is moot and is DENIED as withdrawn.

Dated September 19, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge