

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

Civil Action No. 13-cv-02747-WJM-BNB

KEIFER JOHNSON,.

Plaintiff,

v.

WESTERN STATE COLORADO UNIVERSITY,
BRAD BACA, individually and in his official capacity as President of Western State Colorado
University,
GARY PIERSON, individually and in his official capacity as Vice President for Student Affairs
and Dean of Students,
SARA PHILLIPS, individually and in her official capacity as Title IX coordinator, and
CHRIS LUEKENGA, individually and in his official capacity as Associate Vice President for
Student Affairs,

Defendants.

AMENDED ORDER¹

This matter arises on the following:

(1) **Defendants' Motion for Protective Order to Stay Discovery Pending**

Determination of Eleventh Amendment and Qualified Immunities [Doc. # 94, filed
4/9/2014] (the "Motion to Stay");

(2) Non-party Goulds' **Motion to Quash Or, Alternatively, for a Protective Order**
[Doc. # 100, filed 4/18/2014] (the "First Motion to Quash");

(3) **Motion to File Third Amended Complaint** [Doc. # 113, filed 4/23/2014] (the

¹My previous Order [Doc. # 137] entered on May 15, 2014, is amended to add one additional document to those subject to RESTRICTION LEVEL 1: Doc. # 122-1 Bates No. OG-069. The addition is bolded and underlined. See p. 3, ¶6, infra.

“Motion to Amend”);

(4) **Plaintiff’s Unopposed Motion to Hold Defendants’ Motion to Dismiss In Abeyance** [Doc. # 114, filed 4/24/2014] (the “Motion to Hold In Abeyance”);

(5) Non-party Goulds’ **Motion to File Under Restriction** [Doc. # 121, filed 5/1/2014];

(6) Non-party Goulds’ **Motion to Quash** [Doc. # 131, filed 5/13/2014] (the “Second Motion to Quash”);

(7) Non-party Goulds’ **Motion to Restrict** [Doc. # 99, filed 4/18/2014];

(8) Non-party Goulds’ **Motion to Restrict Doc. ## 111 and 112** [Doc. # 124, filed 5/1/2014]; and

(9) **Plaintiff’s Motion to Exceed Page Limit** [Doc. # 127, filed 5/8/2014].

Also pending is **Defendants’ Motion to Dismiss** [Doc. # 85, filed 3/24/2014].

I held a hearing on the motions today and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion to Stay [Doc. # 94] is GRANTED. All discovery is stayed pending a ruling on the defendants’ defenses of qualified and Eleventh Amendment immunity. The deadlines contained in the Scheduling Order are VACATED. The plaintiff shall file a status report within ten days after a ruling by the district judge on the issues of qualified and Eleventh Amendment immunity notifying me of the ruling and addressing any pretrial matters which should be scheduled.

(2) The First Motion to Quash [Doc. # 100] is GRANTED. No discovery shall occur

pending a ruling on the defendants' defenses of qualified and Eleventh Amendment immunity.

(3) The Motion to Amend [Doc. # 113] is GRANTED. The Clerk of the Court is directed to accept for filing the Third Amended Complaint [Doc. # 111-4]. The defendants shall answer or otherwise respond to the Third Amended Complaint on or before June 16, 2014.

(4) In view of the filing of the Third Amended Complaint, Defendants' Motion to Dismiss [Doc. # 85] is DENIED as moot.

(5) The Motion to Hold In Abeyance [Doc. # 114] is DENIED as moot.

(6) Goulds' Motion to Restrict [Doc. # 99] and Goulds' Motion to File Under Restriction [Doc. # 121] are GRANTED IN PART and DENIED IN PART, as follows:

- GRANTED with respect to the documents bearing Bates Nos. OG-069, OG-100; OG-108 through 109; OG-111; and AG-31 through 43. These documents shall be RESTRICTED LEVEL 1; and

- DENIED in all other restricts.

(7) Goulds' Motion to Quash [Doc. # 131] is DENIED as moot.

(8) Goulds' Motion to Restrict Doc. ## 111 and 112 [Doc. # 124] is DENIED.

(9) Plaintiff's Motion to Exceed Page Limit [Doc. # 127] is GRANTED.

Dated May 27, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge