

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03000-CMA-MJW

AMIR BLAND,

Plaintiff(s),

v.

OFF. MICHAEL ALLAN, Official & Individual,
CITY OF AURORA, and
OFF. EWERT, Official & Individual,

Defendant(s).

MINUTE ORDER

Entered by U. S. Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Motion for Stay of Entire Action Pursuant to the Servicemembers Civil Relief Act (docket no. 17) is GRANTED IN PART AND DENIED IN PART. The subject motion (docket no. 17) is GRANTED insofar as a STAY shall enter as to Defendant Officer Michael Allan (Allen) ONLY. I find that Defendant Allen was called to report to active military duty on July 1, 2013. He was ordered to report to Warner Robins Air Force Base in Georgia. Defendant Allen is an Officer in the United States Air Force, and he qualifies as a servicemember in military service pursuant to 50 App. U.S.C. § 511. Pursuant to 50 App. U.S.C. § 522, a court upon application by a servicemember shall stay any actions or proceedings in any court in which a person in military service is involved. For these reasons, the subject motion (docket no. 17) is granted as to Defendant Allen. The subject motion (docket no. 17) is DENIED as to the remaining Defendants.

It is FURTHER ORDERED that Defendant Allen shall notify this court of his discharge from his current military assignment within five (5) day of such discharge.

It is FURTHER ORDERED that Defendants' Motion for Extension of Time to Answer or Otherwise Respond to Complaint (docket no. 18) is GRANTED as follows. Defendant Allen **does not** have to Answer or otherwise Respond to the Complaint based upon this court's Order above on Defendants' Motion for Stay of Entire Action Pursuant to the Servicemembers Civil Relief Act (docket no. 17). The remaining Defendants shall have up to and including February 7, 2014, to Answer or otherwise Respond to the Complaint.

It is FURTHER ORDERED that the Status Conference set on February 4, 2014,

at 9:00 a.m. is VACATED.

It is FURTHER ORDERED that a Scheduling/Planning Conference pursuant to Fed. R. Civ. P. 16(b) shall be held on:

February 27, 2014, at 10:00 a.m.
in Courtroom A-502,
Fifth Floor,
Alfred A. Arraj U.S. Courthouse,
901 19th Street,
Denver, Colorado 80294

If this date is not convenient for any counsel/pro se party, he/she should confer with opposing counsel/pro se party and **file a motion** to reschedule the conference to a more convenient date.

Absent exceptional circumstances, no request for rescheduling any appearance in this court will be entertained unless a motion is filed no less than FIVE (5) business days in advance of the date of appearance.

FURTHER, it is ORDERED that the Plaintiff shall appear telephonically, and the plaintiff's case manager shall make the appropriate arrangements to permit his attendance at the Scheduling Conference and shall contact the court by calling the Court at (303) 844-2403.

IT IS FURTHER ORDERED that counsel/pro se parties in this case shall hold a pre-scheduling conference meeting and prepare a proposed Scheduling Order in accordance with Fed. R. Civ. P. 26(f) and D.C.COLO.LCivR 16.1 and 26.1(a) on or before 21 days prior to scheduling conference. Pursuant to Fed. R. Civ. P. 26(d) no discovery shall be sought until after the pre-scheduling conference meeting. No later than five (5) business days prior to the Scheduling/Planning Conference, counsel/pro se parties shall file their proposed Scheduling Order **(in PDF)** in compliance with the ECF Filing Procedures. In addition, on or before fourteen (14) days after the pre-scheduling conference meeting, the parties shall comply with the mandatory disclosure requirements of Fed. R. Civ. P. 26(a)(1).

Counsel/pro se parties shall prepare the proposed Scheduling Order as provided in D.C.COLO.LCivR 16.1 in accordance with the form and instructions which may be found through the links in D.C.COLO.LCivR 16.2 and 26.1(a). Scheduling Orders prepared by parties not represented by counsel, or without access to ECF, shall be submitted on paper.

Please remember that **everyone** seeking entry into the Alfred A. Arraj United States Courthouse will be required to show valid photo identification and be subject to security procedures. See D.C.COLO.LCivR 83.2. Failure to comply with the identification requirement and security procedures will result in denial of entry into the Alfred A. Arraj United States Courthouse.

Date: January 3, 2014
