

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00245-MSK-MJW

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,  
DAVID BERKEBILE (individually),  
BLAKE DAVIS (individually),  
CHRISTOPHER SYNSVALL (individually),  
BENJAMIN BRIESCHKE (individually),  
S. M. KUTA (individually),  
L. MILUSNIC (individually),  
PATRICIA RANGEL (individually),  
WENDY HEIM (individually),  
S. SMITH (individually),  
H. REDDEN (individually),  
DIANA KRIST (individually), and  
A. TUTTOILMONDO (individually),

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Motion to Stay Discovery and to Vacate the Scheduling Conference (Docket No. 42) is GRANTED.

It is further ORDERED that the Scheduling Conference set for October 6, 2014 at 9:00 a.m. is VACATED. The Scheduling Conference and the deadline to file a proposed scheduling order will be re-set, if necessary, after Defendants' Motion to Dismiss (Docket No. 41) is resolved.

The Supreme Court established that evaluating the defense of immunity is a threshold issue, and "[u]ntil this threshold immunity question is resolved, discovery should not be allowed." *Siegert v. Gilley*, 500 U.S. 226, 233 (1991); *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992). Although the defense of immunity "is not a bar to all discovery," *Rome v. Romero*, 225 F.R.D. 640, 643 (D. Colo. 2004), given the early stage at which the issue has been raised, the Court finds that the factors outlined

in *String Cheese Incident v. Stylus Show, Inc.*, 02-cv-01934-LTB-PA, 2006 WL 894955, at \*2 (D. Colo. Mar. 30, 2006), counsel in favor of a temporary stay of proceedings. Specifically, the pending motion has the potential to resolve the case in its entirety, suggesting that judicial economy is served by resolving the motion before proceeding to discovery; further, most of the injuries alleged by plaintiff are not ongoing, suggesting that he will not be unduly prejudiced by a temporary stay.

Date: October 1, 2014

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