

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:14-cv-00411-NYW

ARNOLD A. CARY,

Plaintiff,

v.

JOHN HICKENLOOPER, Governor, State of Colorado,  
RICK RAEMISCH, Executive Director, CDOC,  
JAMES FALK, Warden, SCF,  
MAURICE FAUVEL, D.O., Physician, SCF,  
KERI MCKAY, P.A., SCF, Physician Assistant,  
KELSEY PRUSHA, also known as Kelsey Dillinger, R.N., Registered Nurse, SCF,  
KEVIN VORWALD, Captain, SCF,  
PAGE, Lieutenant, SCF,  
MOON, Lieutenant, SCF,  
LUECK, Case Manager, SCF, and  
HERREA, Case Manager, SCF,

Defendants.

---

**MINUTE ORDER**

---

Entered by Magistrate Judge Nina Y. Wang

This civil action comes before the court on Defendant's Amended Motion to Stay Discovery and Stay Any Scheduling Proceeding filed on March 19, 2015 [#49] and Plaintiff Arnold Carey's Motion for Stay [#62] filed on March 17, 2015, seeking a forty-five day stay of the proceedings (collectively, "pending Motions to Stay"). The pending Motions for Stay were referred to this Magistrate Judge pursuant to the Order of Reference [#53] and the Memoranda dated March 23, 2015 [#54] and April 17, 2015 [#62]. Defendant seeks a stay of the proceedings until after the disposition of the pending Motion to Dismiss and Plaintiff seeks a forty-five day stay of the case. [#62].

This case was originally filed over a year ago, on February 13, 2014. [#1]. The court has granted Plaintiff multiple extensions in this case, including vacating and resetting a previously scheduled Scheduling Conference due to Plaintiff's Objections to the Proposed Scheduling Order. [#59]. Despite the additional time, it does not appear that Plaintiff submitted any portion

of the Proposed Scheduling Order, as required by the Rules of this Court. None of the Parties appears to be ready to proceed to discovery in this matter.

Therefore, IT IS ORDERED that:

(1) Defendant's Amended Motion to Stay Discovery and Stay Any Scheduling Proceeding [#49] is GRANTED IN PART and DENIED IN PART;

(2) Plaintiff's Motion for Stay [#62] is GRANTED IN PART and DENIED IN PART; and

(3) The Scheduling Conference scheduled for April 21, 2015 at 1:00 p.m. is VACATED and will be RESET, if necessary, once the court has an opportunity to consider the pending Motion to Dismiss [#35] and Motion to Disqualify Attorney General [#45].

DATED: April 17, 2015