

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-01238-CMA-KMT

CHERIE RADEKER,

Plaintiff,

v.

ELBERT COUNTY BOARD OF COMMISSIONERS,
KURT SCHLEGEL, in his official and individual capacities,
ROBERT ROWLAND, in his official and individual capacities, and
LARRY ROSS, in his official and individual capacities,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO STAY NOTICE OF APPEAL
DEADLINE (DOC. # 109)**

This matter is before the Court on Defendants' Motion to Stay Notice of Appeal Deadline (Doc. # 109).

On December 3, 2015, the Court denied Defendants' Motion for Summary Judgment. (Doc. # 107.) On December 24, 2015, Defendants filed a Motion for Reconsideration of the Court's Summary Judgment Order on Qualified Immunity (Doc. # 108), as well as the instant motion to stay the notice of appeal deadline (Doc. # 109).

Federal courts have long held that a motion for reconsideration automatically stays the notice of appeal deadline, provided that the motion for reconsideration is filed within the time for appeal. See *Gelder v. Coxcom Inc.*, 696 F.3d 966, 969 (10th Cir. 2012). Thus, in this case, the filing of Defendants' motion for reconsideration of the Court's order denying Defendants' motion for summary judgment automatically stayed

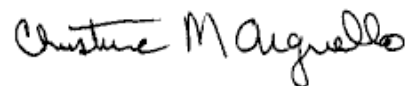
the notice of appeal deadline with regard to that order. The full amount of time within which Defendants must file a notice of appeal with regard to the Court's order on Defendants' motion for summary judgment will begin to run when the Court enters an order disposing of Defendants' motion for reconsideration. See *id.* at 968-69.

Thus, it is hereby

ORDERED that Defendants' Motion to Stay Notice of Appeal Deadline (Doc. # 109) is GRANTED.

DATED: January 15, 2016

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge