

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 14-cv-01882-MSK-CBS
Courtroom Deputy: Amanda Montoya

Date: November 3, 2014
FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

TERRANCE FARRELL, III,

Pro se (by telephone)

Plaintiff,

v.

STATE OF COLORADO, *et al.*,

Nicole Gellar

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: STATUS CONFERENCE

Court in session: 10:15 a.m.

Court calls case. Appearances of counsel.

Ms. Gellar is solely representing Rick Raemisch and does not know if the State of Colorado has been served. Mr. Zavaris has not been served. The Plaintiff is responsible for finding an address for the US Marshal's to affect service upon Mr. Zavaris.

ORDERED: MOTION [14] for Service of Process is **DENIED without prejudice.**

Discussion regarding the allegations against the defendants and the findings in a similar case. Ms. Gellar addresses similar case 14-cv-00007-MSK-KMT and the pending Colorado Supreme Court ruling regarding similar issues in this case. Mr. Farrell has a pending case before the Supreme Court. The Court discusses District Judge Krieger's trial date practice.

The Court reads minute order #63 from 14-cv-00007-MSK-KMT, which denies without prejudice the Motion to Dismiss and orders parties to file a status report after a ruling from the Colorado Supreme Court. After discussing this order, parties agree this is the most appropriate way to handle this case. Mr. Farrell makes an oral Motion to STAY this case.

ORDERED: Mr. Farrell's oral Motion is **GRANTED**. This case will be held in ABEYANCE and all proceedings are STAYED pending a decision by the Colorado Supreme Court in *Ankeney, et al. v. State of Colorado, et al. 14-cv-00007-MSK-KMT*.

MOTION [19] to Dismiss Pursuant to Fed.R.Civ.P.12(B)(1) and (6) is **DENIED without prejudice.**

Parties shall file a joint status report within ten days of the Colorado Supreme Court's ruling to advise how they wish to proceed, including whether Plaintiff intends to file a motion to amend the complaint, whether defendants wish to file a renewed motion to dismiss, and whether a scheduling conference should be set.

The Clerk's office will research with the Department of Corrections to see if there is a last known address for Mr. Zavaris as well as an address to serve the State of Colorado.

Hearing Concluded.

Court in recess: 11:14 a.m.

Time in court: 00:59

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