

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00255-MJW

LAURA SAXTON, and
DOUG SCHELLING, *as the surviving parent of Kelsie Schelling, decedent,*

Plaintiffs,

v.

DONTHE LUCAS,
SARA LUCAS,
VIVIAN LUCAS,
DAWN SHAY LUCAS,
NEAL ROBINSON, *in his individual capacity,*
KEN ESPINOZA, *in his individual capacity,*
ANDREW MCLACHLAN, *in his individual capacity,* and
CITY OF PUEBLO, COLORADO,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that:

- Plaintiff's Motion to Hold in Abeyance City Defendants' Motion for Sanctions Pursuant to Rule 11 and 28 U.S.C. § 1927 (Docket No. 55) is GRANTED IN PART and DENIED IN PART, as explained herein; and
- City Defendants' Motion for Sanctions Pursuant to Rule 11 and 28 U.S.C. § 1927 (Docket No. 39) is DENIED WITHOUT PREJUDICE, for the reasons explained herein.

The Court agrees with Plaintiffs that the City Defendants' motion cannot properly be considered until after resolution of the City Defendants' motion to dismiss. But that motion to dismiss is subject to report-and-recommendation procedures under 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), and the Court prefers not to hold the motion in abeyance for an indeterminate period of time. Rather, the motion for sanctions is dismissed without prejudice. The City Defendants may re-file, if appropriate, after Judge Arguello resolves their motion to dismiss.

Date: October 2, 2015
