

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00845-REB-MJW

JONATHAN APODACA, *and*
JOSHUA VIGIL,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

RICK RAEMISCH, *Executive Director, Colorado Department of Corrections, in his individual capacity, and*
TRAVIS TRANI, *Warden, Colorado State Penitentiary, in his individual capacity,*

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Motion to Stay Discovery Pending Resolution of Motion to Dismiss or Motion for Summary Judgment (Docket No. 19) is GRANTED, for the following reasons.

The Court has reviewed Defendants' Motion to Dismiss or Motion for Summary Judgment (Docket No. 18) and finds that the qualified-immunity defense raised is at least plausible. Further, although Plaintiffs cite *Rome v. Romero*, 225 F.R.D. 640, 643 (D. Colo. 2004), for the proposition that qualified immunity does not bar discovery propounded before the defense is raised, that case is inapposite because (1) the defendants in *Rome* did not raise the defense until several months after filing answers, and roughly half-way through the period for discovery set forth in the scheduling order, and (2) several of the moving defendants in *Rome* were not entitled to qualified immunity in any event. Neither consideration applies here. Accordingly, it is hereby ORDERED that:

- Defendants' Motion to Stay Discovery (Docket No. 19) is GRANTED;
- All discovery is STAYED pending further order of the Court; and
- The Court will not entertain Plaintiff's anticipated motion to compel discovery unless and until the stay is lifted.

Date: September 2, 2015
