

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

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.

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**ORDER GRANTING MOTION TO STAY BRIEFING ON  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

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**Blackburn, J.**

The matter before me is defendants' **Motion To Stay Briefing on Plaintiff's Motion for Class Certification** [#63],<sup>1</sup> filed September 8, 2015. By this motion, defendants seek to suspend the deadline for their response to **Plaintiffs' Motion for Class Certification** [#61], filed September 3, 2015, until their pending **Motion To Dismiss or Motion for Summary Judgment** [#18], filed June 19, 2015, is resolved.

I agree it would be prodigal to address the issues raised by and inherent to the motion for class certification before determining whether plaintiffs' claims survive summary dismissal under Rules 12 or 56. Because Magistrate Judge Watanabe has

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<sup>1</sup> "[#63]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

issued his **Report and Recommendation on Defendants' Motion To Dismiss or Motion for Summary Judgment (Docket No. 18)** [#64], the court anticipates that any delay occasioned by suspending briefing on the motion will not be prolonged.

**THEREFORE, IT IS ORDERED** as follows:

1. That defendants' **Motion To Stay Briefing on Plaintiff's Motion for Class Certification** [#63], filed September 8, 2015, is granted;

2. That defendants' obligation to file a response to **Plaintiffs' Motion for Class Certification** [#61], filed September 3, 2015, is suspended, pending further order.

Dated September 10, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge