

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

Civil Action No. 14-cv-03111-REB-KLM

JULIE REISKIN,  
JON JAIME LEWIS,  
WILLIAM JOE BEAVER,  
DOUGLAS HOWEY,  
DIANA MILNE,  
TINA MCDONALD,  
JOSÉ TORRES-VEGA,  
RANDY KILBOURN,  
JOHN BABCOCK,  
KIMBERLEY JACKSON,  
PAULINA BLACK,  
RUTHIE MCNAIR,  
VRLINA NOZLIÇ,  
CHERYL QUINLAN,  
ELAINE CULPEPPER,  
BIANCA GAMEL,  
KEVIN GRIMSINGER, and  
COLORADO CROSS-DISABILITY COALITION, a Colorado nonprofit organization,  
on behalf of themselves and others similarly situated,

Plaintiffs,

v.

REGIONAL TRANSPORTATION DISTRICT,

Defendant.

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**ORDER**

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**Blackburn, J.**

The matters before me are (1) **Plaintiffs' Motion To Dismiss Defendant RTD's**

**Counterclaim** [#57]<sup>1</sup> filed June 6, 2016<sup>2</sup>; (2) **RTD’s Motion for Summary Judgment To Dismiss Plaintiffs CCDC, Reiskin, Howey and Lewis** [#67], filed June 29, 2015; and (3) **Plaintiff’s Motion for Summary Judgment Regarding Liability** [#100], filed August 19, 2015. For the reasons stated below, I deny the motions without prejudice.

All three motions have been pending resolution for at least six months. However, more recently, the parties have requested (and been granted) extensions of several pretrial deadlines, in connection with their representations that they are actively pursuing settlement negotiations and “wish to focus their efforts in the short term on making additional progress” in that regard. (**Plaintiffs’ Unopposed Motion To Extend Expert Deadlines** ¶ 3 at 1 [#120], filed February 8, 2016.) The magistrate judge has granted the parties’ requests, as a consequence of which the dispositive motion deadline is now June 24, 2016. (**See Minute Order** [#115], filed January 19, 2016.)

Given these more recent developments in the case, the court believes the most appropriate course of action is to deny these pending dispositive motions without prejudice. Removing the motions from present consideration will help level the field and allow the parties to negotiate without unnecessary impediments. Even if the case is not resolved through settlement discussions, the relevant issues in the case may shift or change as a result thereof. In either event, the new, extended deadlines allow the parties ample time to refile dispositive motions if future developments make that course

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<sup>1</sup> “[#57]” 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.

<sup>2</sup> With the consent of the magistrate judge, I withdraw the reference of this motion [#68], filed June 29, 2015.


appropriate.

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

1. That, with the consent of the magistrate judge, the **Order of Reference** [#68], filed June 29, 2015, is withdrawn;
2. That **Plaintiffs' Motion To Dismiss Defendant RTD's Counterclaim** [#57], filed June 6, 2016, is denied without prejudice;
3. That **RTD's Motion for Summary Judgment To Dismiss Plaintiffs CCDC, Reiskin, Howey and Lewis** [#67], filed June 29, 2015, is denied without prejudice; and
4. That **Plaintiff's Motion for Summary Judgment Regarding Liability** [#100], filed August 19, 2015, is denied without prejudice.

Dated February 23, 2016, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge