

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official capacity;
AJAY MENON, as member of the Colorado Civil Rights Commission, in his official capacity; and
PHILIP WEISER, Colorado Attorney General, in his official capacity,

Defendants.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

THIS MATTER is before the Court on Plaintiffs' Motion to Expedite Their Fed. R. Civ. P. 72(a) Objection to Magistrate Judge's Order Forbidding Depositions of Defendant Commissioners and to Stay Expedited Discovery ("Motion"). (ECF No. 121). The Motion requests an expedited ruling on Plaintiffs' Fed. R. Civ. P. 72(a) Objection to the Magistrate Judge's Order Forbidding Depositions of Defendant Commissioners (ECF No. 120) and a stay in expedited discovery until the Objection is resolved. The Motion is **GRANTED** to the extent it requests an expedited ruling. The Motion is **DENIED** to the extent it requests a stay in expedited discovery because I have overruled Plaintiffs' Objection and a stay is

therefore unnecessary. See D.C.COLO.L.CivR 30.2 (“An objection under Fed. R. Civ. P. 72(a) to an order by a magistrate judge concerning discovery does not stay the discovery to which the order is directed.”). In Plaintiffs’ reply to the Motion, they request that the preliminary injunction hearing be continued “until at least 10 days after [a] new deposition deadline” is set. (ECF No. 135 at 5). Embedding a motion for a continuance in a reply brief is improper. D.C.COLO.CivR 7.1(d) (“A motion shall not be included in a response or reply to the original motion.”). If Plaintiffs are requesting a continuance of the preliminary injunction hearing, they must file an appropriate motion.

Dated: February 28, 2019.