

2008 WL 2781083

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United States District Court,
D. Colorado.

ESTATE OF Emily RICE, By Susan GARBER and Roy Rice as Co–Personal Representatives, Susan Garber, as parent and Co–Personal Representative of the Estate of Emily Rice, and Roy Rice, as parent and Co–Personal Representative of The Estate of Emily Rice, Plaintiffs,

v.

CITY AND COUNTY OF DENVER, COLORADO,

Captain Jacob Kopylov, in his individual and official capacities, Captain John Riordon, in his individual and official capacities, Sergeant Loren Collier, in her individual and official capacities, Sergeant Hans Rastede, in his individual and official capacities, Sergeant Richard Roberson, in his individual and official capacities, Sergeant Karolina Sich, in her individual and official capacities, Sergeant Anthony Sullivan, in his individual and official capacities, Deputy Keri Adcock, in her individual and official capacities, Deputy Juliana Barron, in her individual and official capacities, Deputy Sarah Bright, in her individual and official capacities, Deputy Lakisha Minter, in her individual and official capacities, Deputy Faun Gomez, in her individual and official capacities, Deputy Shermaine Guzman, in her individual and official capacities, Deputy Amanda Line, in her individual and official capacities, Deputy Julie Kirkbride, in her individual and official capacities, Deputy Michelle Salemi, in her individual and official capacities, Deputy Jessica Wanrow, in her individual and official capacities, and John and Jane Does 1 Through 20, Denver City and County Sheriff’s Deputies and Medical Personnel, in their official and individual capacities, Defendants.

Civil Action No. 07–cv–01571–MSK–BNB. | July 16, 2008.

Attorneys and Law Firms

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Opinion

ORDER AFFIRMING MAGISTRATE JUDGE’S ORDER, AND DENYING MOTION TO STAY, AS MOOT

MARCIA S. KRIEGER, District Judge.

*1 THIS MATTER comes before the Court on an appeal (# 343) from an Order (# 329) by the Magistrate Judge denying a motion for a protective order (# 236), as well as a motion (# 345) to stay the effect of that Order pending such appeal. Having considered the same, as well as all filings related thereto, the Court

FINDS and CONCLUDES that:

A court may set aside a magistrate judge’s discovery order if it is clearly erroneous or contrary to law. Fed.R.Civ.P. 72(a). In such review, a court considers the applicable law and determines whether the magistrate judge correctly applied it. The fact that the court might have decided the issues differently does not establish clear error. *See N.L.R.B. v. Viola Industries–Elevator Div., Inc.*, 979 F.2d 1384, 1387 (10th Cir.1992). Rather, there is “clear error” if, upon review of the record, the court “is left with the definite and firm conviction” that the magistrate judge made a mistake. *See Allen v. Sybase, Inc.*, 468 F.3d 642, 658 (10th Cir.2006).

Upon review of the parties’ submissions, the Magistrate Judge’s Order (# 329), and the applicable law, there has been no showing that the Order was clearly erroneous nor contrary to law. Rather, the Magistrate Judge correctly applied the applicable law, and made no obvious mistake.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Order (# 329) is **AFFIRMED**, and the motion (#

345) to stay said Order is **DENIED**, as moot.