

Jeffery Melvin v. City of Colorado Springs, Colorado

United States District Court Case No. 20-CV-00991

Tenth Circuit Court of Appeals Case No. 23-1070

CLAIM: Plaintiff claims excessive force resulting in death.

STATUS: April 8, 2020 Complaint filed. April 15, 2020 Waivers of service filed for City and Patterson. June 10, 2020 City files motion to dismiss. June 10, 2020 City files motion for protective order from discovery and to vacate scheduling conference. June 26, 2020 Plaintiff files motion for extension of time to file response to motion to dismiss. July 1, 2020 Plaintiff files amended complaint. July 1, 2020 Plaintiff files response to motion for protective order. July 2, 2020 City files motion for separate trials of individual and municipal liability claims and for protective order from discovery on Plaintiff's municipal liability claims. July 2, 2020 City files motion to reschedule Fed. R. Civ. P. 16(b) scheduling and planning conference. July 6, 2020 Plaintiff files motion for additional time to serve Defendant Joshua Archer. July 7, 2020 Court grants motion to reschedule scheduling and planning conference. July 7, 2020 Court grants Plaintiff's motion for additional time to serve Defendant Joshua Archer. July 7, 2020 City files motion to dismiss amended complaint. July 23, 2020 Plaintiff files response to motion to bifurcate. July 24, 2020 Plaintiff files motion for extension of time to file response to motion to dismiss amended complaint. July 24, 2020 Court grants Plaintiff's motion for extension of time to file response to motion to dismiss amended complaint. August 4, 2020 Plaintiff files response to motion to dismiss. August 6, 2020 City files reply to response to motion to bifurcate. August 10, 2020 Plaintiff files motion for leave to serve Defendant Joshua Archer by substituted service of process. August 18, 2020 City files reply in support of motion to dismiss amended complaint. August 31, 2020 City files response to motion for leave to serve Defendant Joshua Archer by substituted service of process. September 2, 2020 Plaintiff files second unopposed motion for additional time to serve Defendant Joshua Archer. September 14, 2020 Plaintiff files unopposed motion for extension of time to file reply to Plaintiff's motion for leave to serve Defendant Joshua Archer by substituted service of process. September 15, 2020 Court grants motion for extension of time to file reply to motion for leave to serve Defendant Joshua Archer by substituted service. September 17, 2020 Plaintiff files reply to response to motion for leave to serve Defendant Joshua Archer by substituted service of process. October 7, 2020 Court orders City to provide Defendant Joshua Archer's email address to Plaintiff. October 8, 2020 City files motion for protective order from discovery. October 19, 2020 Court orders Plaintiff to file a status report on or before November 16, 2020. October 29, 2020 Plaintiff files response to motion for protective order. October 29, 2020 Plaintiff files response to motion for protective order. November 12, 2020 City files reply in support of motion for protective order. November 16, 2020 Plaintiff files waiver of service for Joshua Archer. November 16, 2020 Plaintiff files status report. December 18, 2020 City files joinder of Defendant Joshua Archer in partial motion to dismiss amended complaint. January 6, 2021 Court denies motion for separate trials. February 22, 2021 Magistrate Judge issues order recommending motion to dismiss be granted in part and denied in part. March 4, 2021 Plaintiff files unopposed motion for extension of time to file objection to Magistrate Judge's order. March 11, 2021 Court grants Plaintiff's motion for extension of time to file objection. March 15, 2021 Plaintiff files objection to Magistrate Judge's order recommending motion to dismiss be granted in part and denied in part. March 29, 2021 City files response to Plaintiff's objection. April 1, 2021 City files motion to vacate deadline for submission of proposed scheduling order and City's renewed motion for protective order from discovery. April 2, 2021 Court grants City's motion to vacate deadline for submission of proposed scheduling order and City's renewed motion for protective order from

discovery. April 5, 2021 Plaintiff files motion for fees and costs. April 7, 2021 Plaintiff files notice of supplemental authority. April 27, 2021 City files response to motion for fees and costs. May 6, 2021 Plaintiff files motion for extension of time to reply to response for fees and costs. May 10, 2021 Court grants motion for extension of time to reply to motion for fees and costs. May 17, 2021 Plaintiff files reply to motion for fees and costs. September 29, 2021 the Court issues order affirming in part and rejecting in part Magistrate Judge recommendation. September 29, 2021 Court issues order lifting stay. October 13, 2021 City Defendants files answer. October 20, 2021 parties file proposed scheduling order. October 21, 2021 Court issues scheduling order. January 31, 2022 parties file a joint motion for entry of protective order. January 31, 2022 Court grants joint motion for entry of protective order. January 31, 2022 Court issues stipulated protective order. February 24, 2022 Court issues order denying Plaintiff's motion for fees and costs. May 19, 2022 parties file joint motion to modify scheduling order. May 19, 2022 Court grants joint motion to modify scheduling order. July 7, 2022 Plaintiff files motion to modify scheduling order. July 11, 2022 Defendants file response to motion to modify scheduling order. July 8, 2022 Plaintiff files reply to motion to modify scheduling order. July 8, 2022 Court grants Plaintiff's motion to modify scheduling order. August 11, 2022 Individual Defendants file motion for summary judgment. August 12, 2022 Defendants file motion to stay discovery and to vacate final pretrial conference. August 19, 2022 City files response to motion to stay discovery and to vacate final pre trial conference. August 30, 2022 Plaintiff files motion for extension of time to file response to motion for summary judgment. August 31, 2022 Court grants motion for extension of time to file response to motion for summary judgment. September 1, 2022 Court denies City's motion to stay discovery and to vacate final pre trial conference. September 7, 2022 City files unopposed motion to amend scheduling order. September 8, 2022 Court grants motion to amend scheduling order. September 20, 2022 Plaintiff files second unopposed motion for extension of time to file response to motion for summary judgment. September 20, 2022 Court grants Plaintiff's second unopposed motion for extension of time to file response to motion for summary judgment. October 3, 2022 Plaintiff files third unopposed motion for extension of time to file response to motion for summary judgment. October 4, 2022 Court grants Plaintiff's third unopposed motion for extension of time to file response to motion for summary judgment. October 19, 2022 Plaintiff files fourth unopposed motion for extension of time to file response to motion for summary judgment. October 20, 2022 Court grants fourth unopposed motion for extension of time to file response to motion for summary judgment. October 25, 2022 Plaintiff files motion to exceed page limit on response to Individual Defendants' motion for summary judgment. October 25, 2022 Court grants Plaintiff's motion to exceed page limit on response to Individual Defendants' motion for summary judgment. October 27, 2022 Plaintiff files response to Individual Defendants' motion for summary judgment. November 7, 2022 Individual Defendants file motion for extension of time to file reply to motion for summary judgment. November 21, 2022 City files motion for summary judgment. November 29, 2022 Individual Defendants file motion for leave to exceed page limit on reply in support of their motion for summary judgment. November 29, 2022 Court grants Individual Defendants' motion for leave to exceed page limit. December 1, 2022 Individual Defendants file reply to response to motion for summary judgment. December 8, 2022 Parties file joint motion for extension of time. December 15, 2022 Court grants Parties' joint motion for extension of time. December 21, 2022 Plaintiff files second motion for extension of time. December 22, 2022 Defendants file motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. December 29, 2022 Court grants Plaintiff's second motion for extension of

time. January 3, 2023 Plaintiff files third motion for extension of time. January 7, 2023 Court grants Plaintiff's third motion for extension of time. January 11, 2023 Plaintiff files motion for extension of time. January 12, 2023 Court grants Plaintiff's motion for extension of time. January 17, 2023 Plaintiff files response to City's motion for summary judgment. January 25, 2023 Plaintiff files second motion for extension of time. January 25, 2023 Court grants Plaintiff's second motion for extension of time. January 30, 2023 final pretrial conference held. January 31, 2023 City files reply to response to motion for summary judgment. February 2, 2023 Plaintiff files responses to motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. February 16, 2023 Defendants file replies to responses to motion to exclude Plaintiff's non-retained experts, motion to exclude the opinions of Allen Parkman quantifying hedonic damages, and motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. March 8, 2023 Court denies motions for summary judgment. March 10, 2023 Parties file proposed final pretrial order. March 13, 2023 Defendants file notice of appeal. March 14, 2023 Court docketed appeal and assigns case number. March 29, 2023 Court certifies record is complete. March 29, 2023 Plaintiff files motion to certify Defendants' appeal as frivolous. April 19, 2023 Defendants file response to motion to certify Defendants' appeal as frivolous. May 3, 2023 Plaintiff files reply in support of motion to certify Defendants' appeal as frivolous. May 3, 2023 City files motion for extension of time. May 4, 2023 Tenth Circuit grants motion for extension of time. May 12, 2023 Court issues order denying motion to certify appeal as frivolous. June 7, 2023 City files opening brief. July 5, 2023 Plaintiff files motion for extension of time. July 5, 2023 Tenth Circuit grants motion for extension of time. July 28, 2023 Plaintiff files answer brief. August 15, 2023 City files motion for extension of time. August 15, 2023 Court grants motion for extension of time. September 1, 2023 City files reply brief. September 21, 2023 Court issues notice of oral argument. November 15, 2023 oral argument takes place. December 11, 2023 Tenth Circuit issues order and judgment. December 21, 2023 Parties file joint status report. January 2, 2024 Tenth Circuit issues mandate. January 4, 2024 Court schedules final pretrial conference. February 7, 2024 Parties file proposed final pretrial order. February 14, 2024 final pretrial conference held. February 14, 2024 Court issues final pretrial order. February 20, 2024 Court issues order setting jury trial. April 9, 2024 Plaintiff files motion for leave to take preservation deposition. April 30, 2024 City files response to motion for leave to take preservation deposition. May 14, 2024 Plaintiff files reply to response to motion for leave to take preservation deposition. May 21, 2024 Court issues order granting motion to exclude Plaintiff's non-retained experts, granting motion to exclude opinions of quantifying hedonic damages, denying motion to exclude opinions concerning racial discrimination in use of force incidents, and granting motion for leave to take preservation deposition. June 7, 2024 Plaintiff files motion in limine. June 7, 2024 City files motion for Ronald M. Goldenberg, M.D. to testify remotely at trial. June 7, 2024 City files motion for reconsideration of order denying Defendant's motion to exclude opinions of Jeffrey Nehls and Patricia L. Pacey. June 11, 2024 Court grants motion for Ronald M. Goldenberg, M.D. to testify remotely at trial. June 12, 2024 City files motion for leave to file motion in limine. June 12, 2024 Court issues order denying motion for reconsideration. June 12, 2024 Court issues amended order on Defendant's motions to exclude and Plaintiff's motion for leave to take preservation deposition. June 13, 2024 Court grants motion for leave to file motion in limine. June 13, 2024 City files motion in limine. June 18, 2024 Plaintiff files unopposed motion for leave for Allen Parkman, Ph.D. to testify remotely at trial. June 21, 2024 Plaintiff files response to Defendant's motion in limine. June 21, 2024 City files response to Plaintiff's motion in limine. June 27, 2024 trial preparation conference

held. June 28, 2024 Plaintiff files unopposed motion to continue trial date. June 28, 2024 Court grants unopposed motion to continue trial date. July 3, 2024 Plaintiff files reply to motion in limine. December 5, 2024 City files motion for remote testimony. December 12, 2024 Court grants motion for remote testimony. December 30, 2024 Plaintiff files notice of submission of the Parties' proposed designations of deposition testimony. January 13, 2025 City files objections to the admission of portions of deposition testimony. January 16, 2025 City files unopposed motion to continue trial date. January 16, 2025 Court grants motion to continue trial and directs parties to provide with a new agreed upon trial date. January 27, 2025 Court issues order setting jury trial and pretrial conference. March 11, 2025 Court issues order regarding parties' motions in limine. March 13, 2025 Court issues order resetting the time of final pretrial conference. July 15, 2025 Plaintiff files motion for VTC expert testimony. **July 16, 2025 Court issues order setting deadline for City's response to motion for VTC expert testimony. July 23, 2025 City files response to motion for VTC expert testimony.**
(Turner/McKinney)