

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No: 23-cv-01951-SKC-MDB

JACQUELINE ARMENDARIZ and CHINOOK CENTER,

Plaintiffs,

v.

CITY OF COLORADO SPRINGS;

DANIEL SUMMEY, a detective with the Colorado Springs Police Department, in
his individual capacity;

B.K. STECKLER, a detective with the Colorado Springs Police Department, in his
individual capacity;

JASON S. OTERO, a sergeant with the Colorado Springs Police Department, in his
individual capacity;

ROY A. DITZLER, a police officer with the Colorado Springs Police Department, in
his individual capacity; and

FEDERAL BUREAU OF INVESTIGATION,
THE UNITED STATES OF AMERICA,

Defendants.

**SECOND MOTION TO STAY ORDER (DOC. 71) PURSUANT TO
D.C.COLO.LCivR 30.2(b) BY THE CITY DEFENDANTS, AND FOR
EXPEDITED RULING**

Pursuant to D.C.COLO.LCivR 30.2(b), Defendants City of Colorado Springs, Detective Brad Steckler, Sgt. Jason S. Otero, and Lt. Roy A. Ditzler (hereinafter, “City Defendants”), file this second motion to stay the Magistrate Judge’s Order denying the Defendants’ motions to stay discovery (Doc. 71), to preserve their qualified immunity defense.

Like Federal Defendant Summey, City Defendants Steckler, Otero, and Ditzler moved to dismiss Plaintiffs' Section 1983 claims against them based on qualified immunity. (*See* ECF Doc. 50 at 2-9; Doc. 51 at 2-10) City Defendants likewise moved to stay merits discovery in this action pending the resolution of their motions to dismiss (*see* Doc. 29), filed objections to the Magistrate Judge's order denying that motion (*see* Doc. 75), and moved the Magistrate Judge pursuant to D.C.COLO.LCivR 30.2(b) to stay her order pending the District Court Judge's review of Defendants' objections (*see* Doc. 76).

For the same reasons as those stated by the Federal Defendants in their Second Motion to Stay directed to the District Court Judge (ECF Doc. 86), City Defendants move to stay temporarily—until the District Court Judge either rules on the Defendants' objections to the Magistrate Judge's order denying their motions to stay (Docs. 73, 75) or rules on the fully briefed motions to dismiss (Docs. 49-52)—the Magistrate Judge's order denying their motions to stay (Doc. 71). City Defendants join in the Federal Defendants' Second Motion to Stay (Doc. 86) for the purposes of economy and efficiency, and to preserve their right to appeal.

City Defendants likewise respectfully request expedited ruling on this motion because any ongoing discovery is a denial of Defendants Steckler's, Otero's, and Ditzler's qualified immunity. Pursuant to the Magistrate Judge's orders (Doc. 71 at 21; Doc. 82 at 2), the parties' attorneys participated in a Rule 26(f) conference on January 23, 2024 and filed their proposed Scheduling Order on February 2, 2024 (Doc. 82). Merits discovery in derogation of the Individual Defendants' qualified

immunity defenses is imminent. Moreover, Plaintiffs already drafted a response to Defendants' motion to stay Doc. 71 when it was before the Magistrate Judge (*see* Doc. 83), so Plaintiffs already have briefed their arguments in opposition to this motion.

WHEREFORE, City Defendants respectfully request that this Court stay the Magistrate Judge's Order denying their motion to stay discovery (Doc. 71) and expedite its ruling on this motion.

Respectfully submitted this 5th day of February, 2024

OFFICE OF THE CITY ATTORNEY OF THE
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CERTIFICATION REGARDING THE USE OF A.I.

No portion of this filing was drafted by artificial intelligence.

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on the 5th day of February, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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