

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-00137-ZLW-BNB

EDWARD ALLEN, a/k/a EDWARD CLUTTS,

Plaintiff,

v.

FRED FIGUERA,
CORRECTIONS CORPORATION OF AMERICA,
DAVID NELLIS, and
LT. WILLIAMS,

Defendants.

ORDER

This matter arises on the plaintiff's **Motion to Compell** [sic] [Doc. #221, filed 11/16/2008] (the "Motion"). The plaintiff seeks to compel from the defendants additional responses to his Interrogatories and his Requests for Production of Documents. The Motion is **DENIED**.

As a preliminary matter, Defendant Corrections Corporation of America ("CCA") states, and the plaintiff does not dispute, that the plaintiff's discovery requests were directed solely to it. Indeed, CCA is the only defendant who responded to the Motion. Therefore, I construe the Motion as directed to CCA, and not to any other defendant.

The plaintiff did not attach to the Motion a copy of his Interrogatories and Requests for Production, nor did he set forth verbatim his discovery requests and CCA's responses to those requests. Local rule of practice 37.1, D.C.COLO.LCivR, specifies the form of discovery

motions as follows:

A motion under Fed. R. Civ. P. 26 or 37 directed to interrogatories or requests under Fed. R. Civ. P. 33 or 34 or to responses thereto shall set forth verbatim the interrogatory, request, and response to which the motion is directed.

This is an important requirement. I cannot rule on a motion to compel in an informed manner unless I know precisely what was asked for in the disputed discovery and the precise response. Although CCA in its Response summarized the discovery requests and its responses to them, *Defendant Corrections Corporation of America's Response to Plaintiff Allen's Motion to Compel* [Doc. #237], the requests and responses are not set forth verbatim. I find that the summaries provided by CCA are inadequate to allow me to rule in an informed manner.¹

IT IS ORDERED that the Motion is DENIED for failure to comply with D.C.COLO.LCivR 37.1.

Dated July 8, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

¹Ultimately, the failure here rests with the plaintiff who, as the moving party, was required by local rule 37.1 to set forth verbatim the disputed requests and responses.