

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01479-REB-MJW

WILLIAM J. HUNSAKER, JR.,

Plaintiff,

v.

JAMES JIMERSON,  
MICHELLE NYCZ,  
ELIZABETH LIMBRIS,  
CATHIE HOLST,  
ARISTEDES ZAVARAS, AND  
KEN MILYARD,

Defendants.

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**MINUTE ORDER**

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**Entered by Magistrate Judge Michael J. Watanabe**

It is hereby **ORDERED** that the plaintiff's Motion for Order that Certain Requests for Admission are Deemed Admitted (Docket No. 130) is denied. According to defendants' response (Docket No. 145), they responded to the first two requests for admission, but admittedly the first responses were delayed due to a clerical error. In addition, according to defense counsel, plaintiff's third set was never received, and a copy of the third requests has been sent to the CDOC for response. Although defendants should have sought either a stipulation or a court order for the delayed responses to the first set, plaintiff has not shown any prejudice as a result of the delayed responses. This court finds that granting the plaintiff's motion will not facilitate and maintain the merits of the case. It is further

**ORDERED** that defendants shall serve responses to the Plaintiff's Third Requests for Admission to Defendants (Docket No. 130 at 28-29) on or before June 10, 2011.

Date: June 1, 2011

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