

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00268-PAB-MEH

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

NOE A. GOMEZ,
SANDRA GOMEZ,
GREGORY K. BARNETT, d/b/a Barnetts Designs, Inc.,
KS CUSTOM BUILDERS, INC., and
G CONSTRUCTION, INC.,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 27, 2009.

Pending before the Court is Plaintiff's Motion to Compel Discovery and for Sanctions [filed June 29, 2009; docket #19]. Plaintiff alleges that Defendants Noe Gomez and Sandra Gomez failed to respond to Plaintiff's written discovery requests in a timely manner. Having no response to the motion from Defendants and pursuant to Fed. R. Civ. P. 37(a)(3)(B), the Court considers the motion confessed and hereby **grants** the motion and orders Defendants to respond to the propounded Interrogatories [docket #19-3] and Requests for Production of Documents [docket #19-2] **on or before August 10, 2009**.

Moreover, because the Defendants have not timely or specifically objected to the written discovery requests, any objections to the Interrogatories and Requests for Production are deemed waived. Fed. R. Civ. P. 33(b)(4); *see also Duhill v. Lennar Family of Builders*, 2008 WL 4457874, *4 (D. Colo. Oct. 1, 2008) (unpublished) (citing *Starlight Intern., Inc. v. Herlihy*, 181 F.R.D. 494, 496 (D. Kan. 1998)).

Finally, I find that Plaintiff is entitled to its reasonable expenses incurred in filing the within motion and, thus, will **grant** Plaintiff's request for sanctions. Plaintiff shall have all costs and attorney's fees reasonably incurred in filing the within motion by filing an affidavit supporting such expenses no later than August 10, 2009. *See* Fed. R. Civ. P. 37(a)(5)(A). Defendants may object to the reasonableness of the fees requested by Plaintiffs no later than August 24, 2009.