

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00909-MSK-MEH

ZACHARY KRISTON,
AMERICAN ROYALTY CRUSADE,
KINGS COURT COMMAND, LLC, and
KINGS COURT COMMAND CORPORATION,

Plaintiffs,

v.

TONY PEROULIS,
HARRY PEROULIS,
DEL TURNER,
VENETIAN HOTEL OPERATIONS, LLC,
HUTCHISON & STEFFEN, LLC,
E. ROBERT SPEAR,
HARRAH'S ENTERTAINMENT INC.,
CLARK COUNTY DISTRICT ATTORNEY,
MICHAEL ACCARDI,
SANDRA RATANA, and
DARYLL ROSENBLATT,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Pending before the Court is Plaintiff Kriston's Motion Requesting Sanctions and Contempt Orders under Rule 37 [filed November 5, 2009; docket #104]. The matter is referred to this Court for disposition. (Docket #105.) The motion is briefed to the extent necessary, and oral argument would not materially assist the Court in its adjudication. For the reasons stated below, the Court **DENIES** Plaintiff Kriston's Motion Requesting Sanctions.

In his motion, Plaintiff Kriston seeks relief pursuant to Fed. R. Civ. P. 37(b)(2)(A) because certain defendants "failed to cooperate with discovery requests . . . and obey this Court's order to

provide and permit discovery.” (Docket #104 at 2.) Construing the language in the motion liberally as the Court must, the Court concludes that Plaintiff Kriston views the Scheduling Order entered in this matter as an order by the Court compelling certain discovery. That is not so; the Scheduling Order is simply a document establishing a certain schedule and dates certain for the progress of the case pursuant to Fed. R. Civ. P. 16(b). If Plaintiff Kriston believes that the Defendants are not meeting their discovery obligations, and he seeks to compel discovery responses pursuant to an order of the Court, Plaintiff Kriston may file a motion seeking such relief consistent with Fed. R. Civ. P. 37(a) and D.C. Colo. LCivR 37.1.

Additionally, in future filings, Plaintiff Kriston should phrase his requests plainly and succinctly, and without inclusion of excessive or irrelevant exhibits. Restrained filing of more focused motions assists the Court in upholding the principles stated in Fed. R. Civ. P. 1, that is, “the just, speedy, and inexpensive determination of every action and proceeding.” It is not the Court’s obligation to sift through inappropriately verbose filings to search for the requested relief. Future pleadings lacking a short plain statement of the relief requested may be stricken.

Accordingly, Plaintiff Kriston’s Motion Requesting Sanctions and Contempt Orders under Rule 37 [filed November 5, 2009; docket #104] is **DENIED**.

Dated at Denver, Colorado, this 17th day of December, 2009.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge