

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No: 09-cv-01474-RPM-MJW

JAY HOLLAND, et al,

Plaintiff(s),

v.

STANDLEY AND ASSOCIATES, LLC,

Defendant(s).

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Plaintiffs' Motion to Compel Outstanding Discovery Responses and for Sanctions (docket nol. 42) is **DENIED** for the following reasons.

Plaintiffs' Second Set of Interrogatories and Second Set of Requests for Production of Documents, that are the subject matter of this motion, were served untimely upon the Defendant. They were served upon the Defendant on February 24, 2010. The discovery cut-off date was January 31, 2010. See paragraph two (2) in Minute Order dated September 30, 2009 Amending Scheduling Order Deadlines (docket no. 22). Moreover, the Second Set of Interrogatories exceeds the number of interrogatories that the parties were permitted under the Rule 16 Scheduling Order. This is a Fair Debt Collections Act case and is not a complicated case. Plaintiffs have failed to demonstrate why they could not have served their discovery requests timely. Plaintiffs' argument that somehow this court's Minute Order Granting Stipulated Motion to Amend September 30, 2009 Scheduling Order Re: Depositions (docket no. 32) extended the deadline to served written discovery in the forms of interrogatories, requests for production of documents and requests for admissions is misplaced. This court's Minute Order (docket no. 32) states, *in pertinent part*: ... **"The fact discovery cut-off will be extended up to and including March 1, 2010 for the purpose of allowing the parties to take necessary depositions consistent with the Federal Rules of Civil Procedure."** It is clear, that this extension of the discovery cut-off date was for the limited purpose of completing depositions and nowhere in this Minute Order (docket no. 32) are other discovery deadlines extended. See Stipulated Motion to Amend September 30, 2009 Scheduling Re: Depositions (docket no. 30).

Date: May 7, 2010

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