

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01614-REB-MEH

SHANE BASS, individually and on behalf of other similarly situated persons,

Plaintiffs,

v.

PJCOMN ACQUISITION CORP.,
PJCOMN LLC, and
ESSENTIAL PIZZA, INC., d/b/a "PJCOMN,"

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 21, 2011.

Plaintiffs' Motion to Compel [filed September 19, 2011; docket #237] is **denied without prejudice**. In the caption of the motion is the following language, underlined and in all capital letters: "Expedited Resolution Requested." Even if the Court were to consider this language a request for relief as part of the motion, Plaintiffs fail to provide sufficient information for the Court to determine whether it is proper to expedite the briefing. First, Plaintiffs assert that while they "agreed to let Defendants delay production of some of the documents requested [] until the class members were defined, that time already came and passed and Defendants must now produce the requested documents and data in their possession, custody or control." However, Plaintiffs do not identify which documents they agree would be delayed (and, thus, which documents have not been received)¹ and when the time passed for the production to be made. Moreover, Plaintiffs cite to an "Ex. 2 p. 4" but no exhibits or documents are attached to the motion. Further, Plaintiffs refer to a "motion for extension of time to conduct discovery," but the record reflects that no such motion is pending. Finally, should the Plaintiffs choose to re-file the present motion in accordance with this order, the Court directs the Plaintiffs to cite specifically to previous pleadings and/or orders concerning the same or similar discovery request(s), if appropriate.²

¹That is, the Court cannot determine by Plaintiffs' assertion whether Plaintiffs allege that some documents Plaintiffs seek have been produced or whether no documents have been produced.

²The tone of the motion indicates that Plaintiffs may incorrectly assume the Court already has knowledge of this information.