

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 09-cv-01988-PAB-KMT

RYAN ARCHER,
HEATHER ARCHER,
DR. CRAIG CHAN,
HERB GULLINGSRUD,
CAROL GULLINGSRUD,
DAVID HANNA,
COLLEEN HANNA,
DANIEL HOGAN,
DIANE HOGAN,
ROBERT MIHALIK,
PATRICIA MIHALIK,
SUSAN KILLMAN
LARRY NELSON,
ANNETTE NELSON,
LARRY SCOTT,
LYNN SCOTT,
WILLIAM SHANAHAN,
LISE SHANAHAN,
DONNA WOLOSIN, and
JAMES WOLOSIN,

Plaintiffs,

v.

WALLACE DARLING,
DANA LYNN ROCK,
SCOTT McDOWELL,
LAKEWOOD HILLS INVESTMENTS, LLC,
UNIVERSAL REAL ESTATE INVESTMENTS CORPORATION,
SUNTRUST MORTGAGE, INC.,
QUADSTAR MORTGAGE, LLC, a/k/a NEW COLORADO MORTGAGE, LLC, and
DOES 1-10,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on “Defendant Dana Lynn Rock’s Request to File Motion for Summary Judgment Out of Time” (Doc. No. 363, filed April 26, 2011). Upon a review of the Motion and the Response filed by Plaintiffs on May 3, 2011, the court finds good cause for allowing Defendant Rock to file her Motion for Summary Judgment out of time. The court notes at the that because Defendant Rock appears *pro se*, the court “review[s] [her] pleadings and other papers liberally and hold[s] them to a less stringent standard than those drafted by attorneys.” *Trackwell v. United States*, 472 F.3d 1242, 1243 (10th Cir. 2007) (citations omitted). *See also Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (holding allegations of a *pro se* complaint “to less stringent standards than formal pleadings drafted by lawyers”). Defendant Rock appeared in court for the Final Pretrial Conference held on April 21, 2011, and this appeared to be the first time that Defendant Rock actually understood that she, too, had the right to file a summary judgment motion on her own behalf after she asked several questions of the court. Up until that time, it appeared that she did not understand the purpose of summary judgment. She has been diligent in complying with court orders up until this time. There appears to be little prejudice to the plaintiffs, as Defendant Rock has represented that the legal issues have already been briefed by the plaintiffs in response to the Motion for Summary Judgment filed by Defendant McDowell and will simply require application of the same legal principals to the factual context of the case against Defendant Rock. Moreover, the court notes that the trial is not set to commence until November 2011, and there are two other pending motions for summary judgment pending before District Judge Brimmer that will have to be decided prior to that date. Accordingly, the motion is GRANTED. The Clerk of Court is directed to file “Defendant Dana Lynn Rock’s Motion for Summary Judgment” (Doc No. 363-1). Plaintiffs may file their response on or before May 31, 2011. Defendant Rock may file a reply on or before June 17, 2011.

Dated: May 4, 2011