

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02000-PAB-MEH

DONALD B. WINGERTER, JR., and  
GREENHORN RANCH LLC,

Plaintiffs,

v.

ALLISON H. GERBER,

Defendant and Third Party Plaintiff,

v.

BODYSELECT LLC,

Third Party Defendant.

---

**MINUTE ORDER**

---

**Entered by Michael E. Hegarty, United States Magistrate Judge, on July 30, 2010.**

Plaintiffs' and Third Party Defendant's Motion to Compel Gerber to Comply with Discovery Order and Request for Sanctions [[filed July 29, 2010; docket #72](#)] is **granted in part and denied in part**. Defendant Gerber shall comply with this Court's June 30, 2010 order by submitting the appropriate verified discovery responses to the Plaintiffs **on or before August 4, 2010**.

While the Court finds defense counsel's "intention [ ] to defer providing sworn responses until the issue is resolved by Judge Brimmer" without first seeking a stay in contravention of D.C. Colo. LCivR 30.2B, it is significant that neither party requested clarification of the deadline for compliance with the June 30, 2010 order. Therefore, the Plaintiffs' request for sanctions is denied.