IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02429-REB-MJW

CHEVRON U.S.A. INC.,

Plaintiff,

v.

GREGORY D. TIMM, et al.,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Pro Se Defendant Timm's Motion to Compel Production of Documents, Motion for Enlargement of Time and Motion for Continuance of Trial (docket no. 67) is DENIED IN PART and this court DECLINES TO RULE IN PART. The motion is DENIED as to compelling production of documents and is further DENIED as to an enlargement of time. This court DECLINES TO RULE on the portion of the Subject Motion requesting a continuance of the trial since the trial is set before Judge Blackburn and not before myself.

As to compelling production of documents, the Pro Se Defendant Timm admits in the Subject Motion that Plaintiff "agreed to produce documents by no later than August 6, 2010." See Subject Motion at page 2. Nevertheless, the Pro Se Defendant Timm filed the Subject Motion on August 4, 2010, two days before the date in which Plaintiff was to produce such documents. In fact, Plaintiff did timely produce such documents to the Pro Se Defendant Timm. Accordingly, that part of the Subject Motion seeking an order compelling production of documents is MOOT and therefore is DENIED. Pro Se Defendant Timm has further failed to demonstrate that he could not meet the deadlines to complete discovery as set by this court. Mere negligence by the Pro Se Defendant in waiting to serve discovery does not amount to good cause. Any prejudice that the Pro Se Defendant argues he will suffer is as a direct result of his own negligence. This court has previously informed the Pro Se Defendant Timm of his obligations to comply fully with the Federal Rules of Civil Procedure, the Local Rules of Practice of this court, the Federal Rules of Evidence and all ORDERS of this court. For these reasons, the portion of the Subject Motion seeking an Enlargement of Time is DENIED.

Date: August 18, 2010