

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00414-RPM-KLM

REBECCA DAVIS,

Plaintiff,

v.

LAW OFFICE OF D. SCOTT CARRUTHERS,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Compel Discovery** [Docket No. 70; Filed July 6, 2012] (the "Motion"). On May 18, 2012, Final Judgment was entered in favor of Plaintiff against Defendant in the amount of \$15,164.15 [#65, #66]. On July 6, 2012, Plaintiff filed the present Motion, seeking to compel responses to written discovery served on Defendant on May 24, 2012 pursuant to Fed. R. Civ. P. 33, 34, and 69(a)(2). Plaintiff also seeks monetary sanctions for Defendant's failure to respond to discovery. See *Motion* [#70] at 4. On July 17, 2012, D. Scott Carruthers filed Defendant's Response to Rule 33 Interrogatories [#80] and Defendant's Response to Rule 34 Request for Production [#81].¹ However, no Response to the Motion itself has been timely filed. Based on the filing of the responses to the written discovery, Plaintiff's Motion appears to be moot. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#70] is **DENIED AS MOOT in part and DENIED WITHOUT PREJUDICE in part**. The Motion is denied as moot to the extent that it seeks responses to Plaintiff's written discovery. The Motion is denied without prejudice to the extent that it seeks monetary sanctions against Defendant. In consideration of the present circumstances surrounding the discovery issue, i.e., Defendant's apparent compliance in responding to Plaintiff's written discovery requests, Plaintiff may, if she so desires, file an amended request for sanctions.

Dated: August 1, 2012

¹ The Court notes that, pursuant to Fed. R. Civ. P. 5(d)(1), discovery requests and responses, including interrogatories and requests for production, must not be filed on the docket until they are used in the proceeding or the Court orders them to be filed.