

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.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Request for Sanctions for Defendant's Failure to Comply With Discovery** [Docket No. 83; Filed August 2, 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 a 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). [#70]. Plaintiff also sought monetary sanctions for Defendant's failure to respond to discovery. See *id.* 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]. Based on the filing of the responses to the written discovery, the Court denied Plaintiff's motion as moot but allowed Plaintiff to file an amended request for sanctions if she so desired. Defendant has failed to file a Response to the present Motion.

In the Motion [#83], Plaintiff seeks a monetary sanction of \$580.00 to compensate for two hours of attorney time spent in preparing Plaintiff's Motion to Compel Discovery

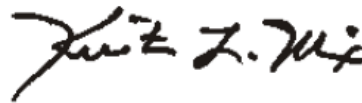
[#70]. *Motion* [#83]; *Decl. of Lee* [#83-2] at 3. Plaintiff seeks these sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(C). *Motion* [#83] at 2. That provision allows the Court to impose monetary sanctions of reasonable expenses and attorney's fees on a party or attorney who fails to comply with a Court order. See *Centennial Archaeology, Inc. v. AECOM, Inc.*, 688 F.3d 673, 678 (10th Cir. 2012). In connection with the Motion to Compel Discovery, Plaintiff fails to direct the Court's attention to any Court order with which Defendant failed to comply.

Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#83] is **DENIED**.

Dated: September 18, 2012

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge