

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-03094-MSK-KLM

CYNTHIA A. COLLINS,

Plaintiff,

v.

ARKANSAS VALLEY COMMUNITY CENTER FOR THE HANDICAPPED AND FOR
RETARDED PERSONS, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Accept Late Filing Pursuant to Fed. R. Civ. P. 6(b)(1)(B)** [Docket No. 26; Filed July 22, 2011] (the "Motion"). Fed. R. Civ. P. 6(b)(1)(B) provides that the Court may, for good cause, extend the time for serving written discovery responses upon a "motion made after the time has expired if the [responding] party failed to act because of excusable neglect." In this case, inadvertent miscommunication between Plaintiff's counsel caused a delay in responding to Defendant's written discovery requests. The Court finds that the miscommunication is "excusable neglect." Moreover, Defendant has not been prejudiced by the delay. The deadline for the completion of discovery is November 8, 2011, which leaves ample time for Defendant to review Plaintiff's discovery responses and act accordingly.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER **ORDERED** that the deadline for Plaintiff to respond to Defendant's First Set of Written Discovery is extended to **July 22, 2011**, and Plaintiff's response served on that day is deemed timely.

Dated: July 25, 2011