

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00838-KLM

OSVALDO BARRIENTOS-SANABRIA,

Plaintiff,

v.

EDWARD HOLTE, in his individual and official capacity,
ROD FENSKE, in his official capacity,
ANTONIO LOBATO, in his individual and official capacity, and
AARON D'MIZE, in his individual and official capacity,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants' **Motion for Leave to Allow Trial Brief Two Days Out of Time** [Docket No. 89; Filed December 5, 2012] (the "Motion").

Plaintiff has filed a Response [#91; Filed December 6, 2012]. No reply has been filed.

Defendants request leave to submit their trial brief two days later than the deadline provided in the Amended Civil Trial Procedures Order [#70]. Defendants contend that based on recent changes to Plaintiff's witness list, specifically the decision not to include any medical witnesses, Defendants decided to file a last minute summary judgment motion, thus delaying their ability to prepare the trial brief. Plaintiff argues in the Response that Defendants have not show good cause for the out of time filing and that it should be stricken. Alternatively, Plaintiff asks that he have until December 10, 2012 to respond to the arguments raised in the trial brief.

The Court finds that Defendants have shown good cause for the two-day delay in

filing its trial brief. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#89] is **GRANTED**. Defendants Trial Brief [#88] is accepted as timely filed.

IT IS FURTHER **ORDERED** that Plaintiff shall file a Response to the arguments raised in the Trial Brief [#88] on or before **December 10, 2012**.

Dated: December 7, 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