

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00968-REB-KLM

KATHLEEN CHYTKA,

Plaintiff,

v.

WRIGHT TREE SERVICE, INC.,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Notice of Motion and Motion by Plaintiff for [Summary] Judgment Memorandum and Extension of Points and Authorities; Declaration of the Plaintiff Pro Se** [Docket No. 101; Filed July 2, 2012] ("Plaintiff's Motion") and on Defendant's opposed **Motion for Extension of Time to Respond to Plaintiff's First Motion for Summary Judgment Pending Plaintiff's Decision Whether to File a New Motion for Summary Judgment** [Docket No. 103; Filed July 2, 2012] ("Defendant's Motion").

Plaintiff's Motion [#101] is essentially a response to Defendant's explanation to Plaintiff of the Court's Minute Order [#100] dated June 27, 2012. In that Minute Order, the Court stated:

With respect to the Motion for Summary Judgment [#96], this is the second request for summary judgment from Plaintiff pending on the docket. See *Motion for Summary Judgment* [#81]. Pursuant to the District Judge's Civil Practice Standards, Plaintiff is permitted to file more than one motion for summary judgment. See REB Civ. Practice Standard IV.B.2.<sup>1</sup> However, the District Judge only permits a total of twenty pages on all such motions, not twenty pages for each motion. See *id.* Plaintiff's first Motion for Summary Judgment [#81] is fourteen pages long. Plaintiff's second Motion for

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<sup>1</sup> A copy of the District Judge's Civil Practice Standards can be found and downloaded from: [http://www.cod.uscourts.gov/Documents/Judges/REB/REB\\_Civil\\_12-1-11\\_Final.pdf](http://www.cod.uscourts.gov/Documents/Judges/REB/REB_Civil_12-1-11_Final.pdf).

Summary Judgment [#96] is sixteen pages long. Thus, Plaintiff has submitted a total of thirty pages, ten more than permitted by the District Judge's Civil Practice Standards. Accordingly,

IT IS FURTHER **ORDERED** that the second Motion for Summary Judgment [#96] is **STRICKEN** for failure to comply with the District Judge's Civil Practice Standards. See REB Civ. Practice Standard IV.C.1. (stating that motions for summary judgment that do not comply with the District Judge's Civil Practice Standards may be stricken *sua sponte*); see also *Nielsen v. Price*, 17 F.3d 1276, 1277 (10<sup>th</sup> Cir. 1994) (stating that *pro se* parties must "follow the same rules of procedure that govern other litigants").

The deadline for dispositive motions is set for August 6, 2012. See [#85]. If Plaintiff chooses, she may file a Motion to Withdraw her first Motion for Summary Judgment [#81] and separately submit a new Motion for Summary Judgment that does not exceed the District Judge's twenty-page limitation, so long as she does so no later than August 6, 2012. The twenty-page limit includes only "the motion, cover page, jurisdictional statement, statement of facts, procedural history, argument, closing, signature block, and all other matters, except for the certificate of service" and exhibits. REB Civ. Practice Standard IV.B.2.

In Plaintiff's present Motion, she indicates that she prefers to keep her second Motion for Summary Judgment [#96] on the docket, as it is "a copy of the first . . . with a little more added." *Plaintiff's Motion* [#101] at 1. She then states that she does not want to withdraw her first Motion for Summary Judgment [#81] unless she has to. Finally, she states, "I am leaving this up to the Court to [decide] if I need to withdraw my first [motion for summary judgment] or not." *Plaintiff's Motion* [#101] at 2. In other words, Plaintiff seeks to have the Court choose her litigation strategy for her.

The Court is not permitted to give legal advice to litigants, whether *pro se* or otherwise. See *Peper v. Dep't of Agric. of U.S.*, 04-cv-01382-ZLW-KLM, 2008 WL 2690707, at \*2 (D. Colo. July 3, 2008). Based on the information already provided to Plaintiff by the Court in its Minute Order of June 27, 2012 and quoted above, Plaintiff must make her own decisions as to the course of action she would like to pursue in this matter. Accordingly,

IT IS HEREBY **ORDERED** that Plaintiff's Motion [#101] is **DENIED**.

Because the Court has provided Plaintiff with an opportunity to withdraw her present Motion for Summary Judgment [#81] and file a new, consolidated motion, Defendant seeks an extension of time in which to respond to the currently pending Motion for Summary Judgment. Based on the current circumstances of this case as outlined above,

IT IS FURTHER **ORDERED** that Defendant's Motion [#103] is **GRANTED**. Defendant shall respond to Plaintiff's Motion for Summary Judgment [#81] **no later than August 7, 2012**, unless Plaintiff chooses to withdraw her pending Motion for Summary Judgment before that time.

Dated: July 3, 2012