

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.

---

**ORDER**

---

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

This matter is before the Court on Plaintiff's **Supplement to Motion for Summary Judgment** [Docket No. 141; Filed October 29, 2012] (the "Supplement") and the conventionally submitted material [#142] accompanying the Supplement, which is a large three-ring binder of unsorted documents purportedly submitted in support of Plaintiff's Motion for Summary Judgment [#81].

On May 29, 2012, Plaintiff filed a Motion for Summary Judgment [#81]. Due to compliance issues, the Court provided Plaintiff with an opportunity to withdraw her Motion for Summary Judgment and submit a new version [#105]. Plaintiff did not do so. To allow time for resubmission of the Motion for Summary Judgment, the Court gave Defendant until August 17, 2012 to file its Response to Plaintiff's Motion for Summary Judgment, which it timely did [#105, #107]. Plaintiff did not file a Reply.

Defendant also filed its own Motion for Summary Judgment on August 16, 2012

[#115]. On August 20, 2012, Plaintiff filed a Response to Defendant's Motion for Summary Judgment [#118]. The Court struck a portion of Plaintiff's Response for non-compliance with the District Judge's Civil Practice Standards [#126]. The Court provided Plaintiff with an opportunity to withdraw her Response to Defendant's Motion for Summary Judgment and submit a new compliant version [#126]. Plaintiff did not do so. Defendant filed a Reply to its Motion for Summary Judgment on September 24, 2012 [#128]. Plaintiff filed a Sur-reply on September 27, 2012 [#129], which the Court struck on October 24, 2012 [#137].

Plaintiff's time to submit documents in connection with both her Motion for Summary Judgment [#81] and Defendant's Motion for Summary Judgment [#115] is long past. The discovery period in this matter closed on July 5, 2012 and the dispositive motions deadline passed on August 6, 2012. Plaintiff has not sought leave to file additional, untimely materials. She has not explained why she could not have timely submitted these materials in connection with the summary judgment briefing schedule. See D.C.COLO.LCivR 7.1C. (providing 21 days after the date of service of a motion in which to file a response and 14 days after the date of service of a response in which to file a reply). She did not take advantage of the opportunities provided by the Court to submit appropriate and compliant briefs in connection with the dispositive motions. Yet, Plaintiff continues to file documents with the Court seeking a ruling on the motions as well as various documents that contain additional briefing and/or evidence [#124, #129, #132, #138, #141, #142].

The Court is mindful that it must construe the filings of a *pro se* litigant liberally. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The Court has painstakingly attempted to guide this *pro se* Plaintiff through the federal legal system by written orders and at hearings. See, e.g., [#22, #36, #42, #45, #52,

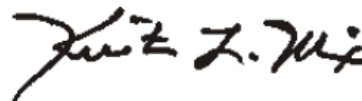
#61, #62, #67, #73, #85, #90, #100, #105, #114]. However, a *pro se* litigant must follow the same procedural rules that govern other litigants. *Nielson v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994). Plaintiff repeatedly fails to adhere to the Federal Rules of Civil Procedure, to the Local Rules, to the District Judge's Civil Practice Standards, and to the Court's Orders and other directives. Accordingly,

IT IS HEREBY **ORDERED** that the Supplement [#141] and conventionally submitted materials [#142] are **STRICKEN** as untimely.

IT IS FURTHER **ORDERED** that Plaintiff shall not file any additional briefs or materials in connection with her Motion for Summary Judgment [#81] or Defendant's Motion for Summary Judgment [#115]. The period for briefing and submitting evidence has **CLOSED**. Briefs, evidence, or other materials in contravention of this Order **will be summarily stricken**. The Court will issue a ruling on the Motions for Summary Judgment in the future. The Court declines to provide a date as to when those rulings will issue.

Dated: October 31, 2012

BY THE COURT:

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

Kristen L. Mix  
United States Magistrate Judge