

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 the **Order** [#350] issued by the Court on January 9, 2014. Therein, the Court ordered Plaintiff to do the following:

D. What Plaintiff Must Do If She Wants to Present Witnesses and Exhibits at Trial

IT IS HEREBY **ORDERED** that Plaintiff must do the following if she wants to present witnesses and exhibits at trial:

1. On or before **January 23, 2014**, Plaintiff must file a Renewed Motion to Amend Witness List. The motion must include an explanation of the testimony to be given by each of the witnesses already listed in the Final Pretrial Order.
2. On or before **January 30, 2014**, Plaintiff must file a Renewed Motion to Amend Exhibit List, along with *copies* of each exhibit she intends to present at trial. Each exhibit must have a separate and unique name and must be separately numbered. Plaintiff must identify which exhibits are already listed in the Final Pretrial Order, and which exhibits have not been provided to Defendant before.

Order [#350] at 5-6. The Court further clearly warned Plaintiff:

E. What Will Happen if Plaintiff Does Not Comply With the Court's Instructions in Section D. Above.

If Plaintiff does not properly and fully follow the steps outlined in Section D.1 and D.2 above, the Court will strike her witnesses and strike any of her exhibits not already listed in the Final Pretrial Order. If that happens, Plaintiff will not be permitted to present any witnesses other than herself at trial and will not be allowed to present any exhibits other than those already listed in the Final Pretrial Order at trial.

Id. at 6.

Since the Court issued the above-quoted Order on January 9, 2014, Plaintiff has made seven filings, dated between January 10, 2014 and February 12, 2014. See [#351, #353, #355, #357, #360, #363, #366]. These documents have been uniformly addressed to Chief Judge Krieger because Plaintiff has been unhappy with the course of her case, although Plaintiff has been informed numerous times that such filings are inappropriate. Moreover, these documents demonstrate that Plaintiff understood the above-quoted Order. See, e.g., *Motion* [#351] at 6, 8 ("Manifested [sic] injustice by the Judges staying on this case and stating they will strike any of my witnesses and strike any of I the Pro Se Plaintiffs [sic] Exhibits not already listed shows violation of due process of the law and directing this case in the Defendants [sic] favor. . . . So why is I the Pro Se Plaintiffs [sic] Exhibit Evidence so important to the Judges Mix and Blackburn now? Again show [sic] that Judges Mix and Blackburn has [sic] something to gain or mental Issues. And the Defendant can hide evidence and state that they will bring in other witnesses for rebuttal and I the Pro Se Plaintiff is not going to be allowed the same. I should not have to file this with the Court. Chief Judge Krieger will be making the Decision on this case."").

Plaintiff has failed to comply with the Court's January 9, 2014 Order, in either a

timely or untimely manner. She has failed to seek an extension of time or clarification of the Court's Order. Thus, the sanctions about which Plaintiff was previously warned will be imposed. See *Order* [#331]. Accordingly,

IT IS HEREBY **ORDERED** that Plaintiff may not present any witnesses other than herself at trial.

IT IS FURTHER **ORDERED** that Plaintiff may not present any exhibits at trial other than those already listed in the Final Pretrial Order.

Dated: February 18, 2014

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix".

Kristen L. Mix
United States Magistrate Judge