

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**OCT 18 2011**

Civil Action No. 11-cv-02382-BNB

**(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)**

**GREGORY C. LANGHAM**  
CLERK

PENNY HOFFERT,

Plaintiff,

v.

DAVID POWELSON,  
POWER WORLD, LLC,  
B.W.L. HOLDINGS, LLC,  
B.W.L. PARTNERSHIP, LLLP,  
TRAIL RIDGE MARINA,  
FIVESTAR MARINA, INC.,  
FIVESTAR RENTALS,  
GRAND LAKE MOTOR SPORTS,  
PHLARE ORGANIZATION, LLC,  
GEEZER CLUBS, LLC,  
TRI-R LEASING, LLC,  
TRI-R SYSTEMS CORPORATION,  
TRI-R HOLDINGS, LLC,  
COLORADO SPRINGS WASTE AND RECYCLING, LLC,  
DATAGUARD USA, LLC,  
ATTICUS, INC., and  
TRM, LLC,

Defendants.

---

**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

---

Plaintiff has submitted a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Title VII Complaint. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the submitted documents are

deficient as described in this order. Plaintiff will be directed to cure the following if she wishes to pursue her claims. Any papers which the Plaintiff files in response to this order must include the civil action number on this order.

**Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1)  is not submitted
- (2)  is not on proper form (must use the court's current form)
- (3)  is missing original signature by Plaintiff
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit is not notarized or is not properly notarized
- (7)  names in caption do not match names in caption of complaint, petition or application
- (8)  An original and a copy have not been received by the court. Only an original has been received.
- (9)  other: Motion is necessary only if \$350.00 filing fee is not paid in advance.

**Complaint or Petition:**

- (10)  is not submitted
- (11)  is not on proper form (must use the court's current form)
- (12)  is missing an original signature by the Plaintiff
- (13)  is incomplete: The Complaint is missing page nos. 3 - 6. It does not assert any claims nor is a copy of the charge of discrimination submitted to the EEOC attached.
- (14)  uses et al. instead of listing all parties in caption
- (15)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other: Addresses must be provided for all Defendants in the "Parties" Section of the Complaint.

Accordingly, it is

ORDERED that the Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the Plaintiff files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the Plaintiff shall obtain the court-approved Motion

and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Title VII  
Complaint forms, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that, if the Plaintiff fails to cure the designated  
deficiencies **within thirty (30) days from the date of this order**, the complaint and the  
action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED October 18, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 11-cv-02382-BNB

Penny Hoffert  
447 County Rd 640  
Granby, CO 80446

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on October 18, 2011.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk