

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kathleen M. Tafoya**

**Civil Action No.** 11-cv-02418-WYD-KMT

FTR - Courtroom C-201

**Date:** June 21, 2012

Deputy Clerk, Nick Richards

VANESSA DAVIS,

Alexander Simanovsky (by phone)

Plaintiff,

v.

BUDGET CONTROL SERVICES, INC.,

Daniel Nathan Chapman  
Irvin Allen Borenstein

Defendant.

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**COURTROOM MINUTES / MINUTE ORDER**

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**MOTION HEARING**

**Court in session: 1:30 p.m.**

Court calls case. Appearances of counsel.

Motion Hearing is called regarding Defendant's Motion to Compel Discovery Responses [Doc. No. 18, filed May 31, 2012].

The court notes the filing of Plaintiff's Certificate of Discovery [Doc. No. 20, filed June 20, 2012] indicating plaintiff has submitted responses to defendant's first interrogatories, first request for admissions, and first request for production of documents.

The court also notes plaintiff's responses are late. Requests for Admission were deemed admitted as of May 12, 2012 in accordance with Fed. R. Civ. P 36(a)(3). To the extent plaintiff's submitted responses do not admit all requests for admissions submitted by defendants, the objections or denials are stricken.

It is **ORDERED:** Defendant's Motion to Compel [18] is **GRANTED**. Fed. R. Civ. P 37 sanctions are appropriate in this case and will be awarded in the amount of \$500.00 against plaintiff and her attorney, Alexander Simanovsky, jointly for failure to timely respond and necessitating the filing of the Motion to Compel [18].

It is **ORDERED:** Due to interrogatories being signed by counsel and not signed and notarized by Ms. Davis, plaintiff shall submit as a supplemental

discovery response, the responses to interrogatories duly sworn and notarized by Ms. Davis on or before June 28, 2012.

It is **ORDERED**: The Dispositive Motions deadline currently set for June 27, 2012 is **VACATED** and extended to July 25, 2012.

It is **ORDERED**: Defendant's Oral Motion to Obtain Affidavit from Mason Braning is **DENIED**. The deposition of Mr. Braning has already occurred and sworn testimony is sufficient in place of an affidavit.

**Court in Recess: 1:40 p.m.**

Hearing concluded.

Total In-Court Time 00:10

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.