

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02257-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

ST. ANTHONY CENTRAL HOSPITAL, a corporation,  
CENTURA HEALTH, a corporation,  
STEPHAN M. SWAN, Physician Assistant, in his official and individual capacities,  
GREGORY J. ENGLUND, Registered Nurse, in his official and individual capacities,  
MARCI L. HANSUE, Registered Nurse, in her official and individual capacities,  
MICHAEL O'NEILL, Police Officer for the Denver Police Department, in his official and individual capacities,  
JAY LOPEZ, Police Officer for the Denver Police Department, in his official and individual capacities,  
LARRY BLACK, Police Officer for the Denver Police Department, in his official and individual capacities, and  
APEX, a corporation,

Defendants.

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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 **Motion for Extension of Time or Stay of Proceedings Until the Medical and Denver Defendants Comply With [Their] Discovery Obligations** [#253] (the "Motion") and on Plaintiff's accompanying **Declaration of Dean Carbajal** [#254]. Plaintiff asserts that Defendants "have produced absolutely no evidence in this matter despite [Plaintiff's] repeated requests for discovery." *Motion* [#253] at 1. The Motion fails to quote from or attach Plaintiff's alleged discovery requests and Defendants' responses, if any. As a result, it is unclear whether (1) Plaintiff propounded appropriate written discovery requests, and (2) Defendants responded to Plaintiff's written discovery requests. The Court cannot adjudicate disputes about written discovery without receiving copies of **both** the discovery requests and the responses. Moreover, to the extent that Plaintiff is dissatisfied with Defendants' written discovery responses, he should file a Motion to Compel pursuant to Fed. R. Civ. P. 37(a)(3)(B)(iii) and/or (iv). Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#253] is **DENIED without prejudice**. If Plaintiff intends to pursue this issue by filing a Motion to Compel, the Court will entertain a request to extend the deadlines for Plaintiff to file Responses to the Motions for Summary Judgment [#239, #241].

Dated: October 30, 2014