

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 13-cv-0274-WJM-BNB

WINMARK CORPORATION,

Plaintiff,

v.

TODD A. SCHNEEBERGER, and
PATRICIA A. SCHNEEBERGER

Defendants.

**ORDER STRIKING DEFENDANTS' REPLY AND
GRANTING DEFENDANTS AN EXTENSION OF TIME TO ANSWER**

The matter is before the Court on the Reply filed by *pro se* Defendants Todd A. Schneeberger and Patricia A. Schneeberger ("Defendants") in support of their Motion to Set Aside Clerk's Entry of Default ("Reply"). (ECF No. 47). The Court has already issued an Order granting Defendants' Motion and setting aside the entry of default. (ECF No. 46.) Accordingly, Defendants' Reply shall be stricken.

However, it is apparent that Defendants' Reply was filed because Defendants misunderstood the portion of the Court's Order in which they were directed to file an Answer or Responsive Pleading on or before December 5, 2013. The Court's Order directed Defendants not to file a Reply to the Motion, but rather to file an Answer or other pleading responding to Plaintiff's Complaint. (See ECF No. 46 at 9.) An Answer or Responsive Pleading must comply with Federal Rule of Civil Procedure 8, must set forth any defenses Defendants may have to each of Plaintiff's claims, and must either

admit or deny each allegation in the Complaint. Fed. R. Civ. P. 8(b)-(c).

Defendants' deadline to file their Answer or Responsive Pleading was December 5, 2013, the date of this Order. Defendants appear to have intended their Reply, filed on December 4, 2013, to satisfy the Court's Order for them to file a responsive pleading. As the Court's Order remains unsatisfied due to Defendants' misunderstanding, the Court hereby grants Defendants an extension of time to file their Answer or Responsive Pleading.

For the foregoing reasons, the Court ORDERS as follows:

1. Defendants' Reply is STRICKEN; and
2. Defendants are GRANTED an extension of time to file an Answer to the Complaint or other Responsive Pleading. Such pleading must be filed **on or before December 13, 2013**.

Finally, Defendants are put on notice that the Court has exhausted its patience with regard to accommodating the seeming endless series of procedural and substantive mishaps they have inflicted upon themselves in this litigation given their lack of legal training and *pro se* status. Defendants are advised that if they persist in defending this lawsuit without the assistance of legal counsel they will be subject to the same exacting expectations as are represented parties appearing before this Court, in regards, without limitation, to full compliance with all Court orders, deadlines and procedures.

Dated this 5th day of December, 2013.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge