

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03262-RBJ-KLM

MICHAEL SEAN EDMOND,
Plaintiff,

v.

BROADMOOR HOTEL, INC.,
Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Motion to Compel Initial Disclosures and Discovery Responses** [#35] (the "Motion"). Plaintiff did not file a Response. Despite numerous attempts to confer with Plaintiff and obtain from him (1) the initial disclosures required under Fed. R. Civ. P. 26(a)(1) and (2), and (2) responses to Defendant's first set of written discovery, Plaintiff has been unresponsive. As Defendant summarizes: "[O]ther than filing his complaint, responding to a show cause order, and attending the scheduling conference [held on October 20, 2014], Plaintiff has not participated in this case." *Motion* [#35] at 4. Pursuant to Fed. R. Civ. P. 37(a), Defendant seeks an order compelling Plaintiff to provide the disclosures and responses, as well as monetary sanctions.

IT IS HEREBY **ORDERED** that the Motion [#35] is **GRANTED in part and DENIED without prejudice in part**. The Motion is **granted** to the extent that Plaintiff is **ordered** to provide his initial disclosures and responses to Defendant's first set of written discovery **on or before February 2, 2015. Failure to comply with the deadline set forth in this order and to further participate in this lawsuit will subject Plaintiff to sanctions, which may include dismissal of his case.** The Motion is **denied without prejudice** to the extent that Defendant seeks an award of attorneys' fees and costs under Fed. R. Civ. P. 37(a)(5). Defendant may renew its request after the deadline set by the Court for Plaintiff to provide his initial disclosures and responses to Defendant's first set of written discovery. If Defendant renews this request, Defendant shall comply with D.C.COLO.LCivR 54.3.

Dated: January 16, 2015