

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

Case Action No. 14-CV-1068-WYD-NYW

LISA MITCHELL,
J.R.M., by and through her next friend William Montez,
SU. M., by and through his next friend Richard Murray,
SA. M., by and through his next friend Michael LaJoie, and
T.L., by and through his next friend Lorraine Ortega,

Plaintiffs,

v.

CINDY HOWARD,
SHERRI BACA, and
EL PUEBLO BOYS AND GIRLS RANCH, INC.,

Defendants.

ORDER ON PENDING MOTIONS

Magistrate Judge Nina Y. Wang

This civil action is before the court on a number of motions involving Plaintiffs Lisa Mitchell and Samuel Mitchell (“Ms. Mitchell” or “Lisa Mitchell” and “Mr. Mitchell” or “Samuel Mitchell”) and their claim against Defendant Cindy Howard (“Defendant Howard” or “Ms. Howard”):

(1) Motion to Compel Response to Discovery Requests Directed to Plaintiff Samuel Mitchell filed by Defendant Cindy Howard [#189, filed December 18, 2015];

(2) Motion to Compel Response to Discovery Requests Directed to Plaintiff Lisa Mitchell filed by Defendant Cindy Howard [#190, filed December 18, 2015];

(3) Motion to Continue filed by Plaintiff Samuel Mitchell [#195, filed January 11, 2016]; and

(4) Motion for Continuance filed by Plaintiff Lisa Mitchell [#196, filed January 11, 2016].

These pending motions were referred to the undersigned Magistrate Judge pursuant to the Order of Reference dated April 16, 2014 [#4], Order of Reassignment dated February 10, 2015 [#52], and memoranda dated December 18, 2015 [#191] and January 12, 2016 [#197].

BACKGROUND

In her Motion to Compel directed at Samuel Mitchell, Ms. Howard indicates that discovery was served on Mr. Mitchell on August 28, 2015 and responses were due not later than September 30, 2015. [#189]. It is undisputed that Mr. Mitchell has yet to serve responses. *See* [#189, #195]. Ms. Howard separately contends that Ms. Mitchell's discovery responses served on October 13, 2015 were deficient, and despite a conferral letter addressing the deficiencies, Ms. Mitchell has failed to supplement her discovery responses.¹ [#190]. Ms. Mitchell does not dispute that she has not supplemented her discovery. *See* [#196]. Instead, she asks for an additional 30 days to respond to discovery, and Mr. Mitchell asks for an additional 60 days to respond to discovery.

In light of the court's concurrently entered Recommendation, **IT IS HEREBY ORDERED** that:

(1) Motion to Compel Response to Discovery Requests Directed to Plaintiff Samuel Mitchell filed by Defendant Cindy Howard [#189] is **GRANTED**;

¹ Ms. Mitchell mistakenly stated in her Motion that the court granted Defendant Howard's Motion to Compel on December 18, 2015 at [Doc. 192]. [#196 at 1]. In that Order dated December 21, 2015, the court ordered Ms. Mitchell and Mr. Mitchell to respond to the Motions to Compel no later than January 11, 2016. [#192]. Neither Ms. Mitchell nor Mr. Mitchell responded to the Motions to Compel on January 11, 2016, but rather filed their respective Motions to Continue. [#195, #196].

(2) Motion to Compel Response to Discovery Requests Directed to Plaintiff Lisa Mitchell filed by Defendant Cindy Howard [#190] is **GRANTED**;

(3) The Motion to Continue filed by Plaintiff Samuel Mitchell [#195] is **GRANTED IN PART and DENIED IN PART**;

(4) Mr. Mitchell is **DIRECTED** to respond to the outstanding discovery requests propounded by Defendants no later than **February 22, 2016**; and

(5) The Motion for Continuance filed by Plaintiff Lisa Mitchell [#196] is **GRANTED**; and

(6) Ms. Mitchell is **DIRECTED** to supplement her discovery responses to discovery propounded and identified as deficient by Defendants no later than **February 11, 2016**.

DATED: January 25, 2016

BY THE COURT:

s/ Nina Y. Wang
United States Magistrate Judge