

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01082-RM--MJW

JEANNETTE A. SUAREZ,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the pro se plaintiff's Motion for Production of Documents for Discovery Purposes (Docket No. 43) is denied as premature.

Pursuant to Fed. R. Civ. P. 26(d)(1), "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order." Fed. R. Civ. P. 26(d)(1). Here, the Scheduling Order indicates that the 26(f) conference was not held until August 27, 2015. (See Docket No. 39 at 1). Therefore, any discovery demands plaintiff made before that date would have been premature. Furthermore, defendant would have 30 days to respond to a proper request for production of documents (unless a shorter or longer time was stipulated to under Rule 29 or ordered by the court, which does not appear to be the case here). See Fed. R. Civ. P. 35(b)(2)(A). Consequently, if defendant was served with a request for production of documents on or after August 27, the time to respond has not yet expired. Therefore, a motion to compel is premature.

Date: September 18, 2015
