

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

GUARANTEED HOME  
MORTGAGE COMPANY, INC.,

Petitioner,

vs.

MIKI GISSELL,

Respondent.

CV 13-44-BLG-CSO

**ORDER DENYING  
PETITIONER'S REQUEST  
FOR FEES AND COSTS  
INCURRED IN RESPONDING  
TO RESPONDENT'S MOTION  
TO COMPEL**

On October 18, 2013, the Court issued an Order denying Respondent Miki Gissell's motion for an order compelling GHMC to answer some of her requests for admission. *Order (ECF 49)*. The Court further directed Gissell to "file a response to GHMC's requests for fees and costs in responding to [her] motion." *Id. at 21*.

On October 30, 2013, Gissell timely complied with the Court's Order and filed her "brief on why her motion to compel discovery was substantially justified." *ECF 51*. Having considered Gissell's

submission and the overall circumstances of this case, the Court concludes that an award of fees and costs is not appropriate.

Accordingly, IT IS ORDERED that GHMC's request (*ECF 38 at 15*) for fees and costs incurred in responding to Gissell's motion to compel is denied. Gissell's request that her declaration (*ECF 52*) be sealed from the general public is granted. The Clerk of Court has filed the declaration accordingly.

DATED this 5<sup>th</sup> day of November, 2013.

**/s/ Carolyn S. Ostby**  
United States Magistrate Judge