

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 09–cv–00309-MSK-KMT

SUZANNE SHELL,

Plaintiff,

v.

AMERICAN FAMILY RIGHTS ASSOCIATION,
LEONARD HENDERSON,
FAMILIES AT RISK DEFENSE ALLIANCE,
FRANCINE RENEE CYGAN,
MARK CYGAN,
ILLINOIS FAMILY ADVOCACY COALITION,
GEORGIA FAMILY RIGHTS, INC.,
NATIONAL ASSOCIATION OF FAMILY ADVOCATES,
CONNECTICUT DCF WATCH,
BRENDA SWALLOW,
RANDALL BLAIR, and
UNKNOWN DEFENDANTS DOE 1-15,

Defendants.

ORDER

This matter is before the court on “Henderson Interrogatory Shell: What Wrongs?” [Doc. No. 768] filed August 6, 2012.

The court deems this pleading to contain two interrogatories directed to Plaintiff Suzanne Shell from Defendant Leonard Henderson. The two interrogatories are:

(1) “Henderson requests Shell to specify what you feel Leonard Henderson (not ‘the defendants’) PERSONALLY did to you that you feel he needs to pay for;” and

(2) “State what ‘wrongs’ Henderson, himself, did, personally, including dates and the method by which it was accomplished.”

Pursuant to Fed. R. Civ. P. 5(d)(1), interrogatories, requests for admissions and other pre-trial discovery and disclosures “must not be filed until they are used in the proceeding or the court orders filing.” In other words, discovery is to be directed one litigant to another, until and unless there is a dispute which causes the discovery to be brought to the attention of the court. Since Mr. Henderson appears in this action *pro se*, however, the court will not strike the two interrogatories as improvidently filed this time and hereby **ORDERS** Plaintiff Suzanne Shell to respond to the interrogatories directly to Defendant Henderson on or before September 7, 2012. In the future, should discovery directed at a party by another party be filed in court rather than directly submitted to the responding party, the discovery will be stricken and there will be no obligation on the responding party to answer said discovery unless and until it is properly submitted, or until the parties are directed otherwise by court order.

Dated this 8th day of August, 2012.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge