

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Alexander Noel Garcia v. Experian Information Solutions, Crediting Reporting Agency

Garcia · No. 22-cv-02769-GPG-KAS · Decided December 18, 2025

SUMMARY

This minute order addresses multiple discovery-related motions in Alexander Noel Garcia’s action against Experian Information Solutions. The court denied motions for contempt, sanctions, a protective order, and judicial notice, and denied without prejudice a motion to compel. The court granted in part a motion to extend case deadlines and set revised expert-disclosure, discovery, and dispositive-motion deadlines.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Kathryn A. Starnella
JURISDICTION	United States District Court for the District of Colorado
DECIDED	December 18, 2025
DOCKET	22-cv-02769-GPG-KAS
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge considered the plaintiff's motions for contempt, sanctions, extension of deadlines, protective order, supplemental and amended discovery responses, leave to request judicial notice, and additional sanctions, all of which had been referred to the court.
STANDARD OF REVIEW	Civil contempt required clear and convincing proof that a party disobeyed a court order. Motions for discovery sanctions and protective relief were evaluated based on whether the defendant violated the discovery order or engaged in sanctionable or abusive conduct. A request for judicial notice was evaluated under Federal Rule of Evidence 201(c)(2).
PRECEDENTIAL VALUE	unpublished
PARTIES	Alexander Noel Garcia v. Experian Information Solutions, Crediting Reporting Agency

TOPICS

discovery dispute sanctions contempt civil procedure

PRACTICE AREAS

civil procedure discovery discovery sanctions civil contempt judicial notice

QUESTIONS PRESENTED

1. Whether Experian or its former counsel should be held in civil contempt for allegedly failing to comply with the October 2, 2025 discovery order.
2. Whether Experian should be sanctioned for the alleged discovery-order noncompliance and related conduct.
3. Whether the case deadlines should be extended by 45 days and whether further extensions should be barred.
4. Whether a protective order was warranted based on alleged discovery abuse and litigation gamesmanship.
5. Whether Experian should be compelled to provide supplemental or amended discovery responses and sanctioned.
6. Whether Garcia should be permitted to request judicial notice of state court orders, mail-tracking records, and case law without attaching the documents or demonstrating their relevance.
7. Whether additional sanctions were warranted based on alleged misrepresentations about document mailing dates and statements concerning Tammy Estrada's role.

HOLDINGS

1. Civil contempt was unwarranted because Garcia did not prove by clear and convincing evidence that Experian disobeyed the court's order; Experian timely mailed the documents and subsequently took reasonable steps to substantially comply.
2. Sanctions were denied because Experian did not violate the prior order and the court identified no sanctionable conduct.
3. The motion to extend deadlines was granted in part for all parties, but the request to prohibit any future extensions for Experian was denied.
4. A protective order was denied because Garcia did not establish abusive discovery tactics, falsified mailing dates, or other sanctionable conduct warranting protective relief.
5. The motion to compel was denied without prejudice because Garcia did not specifically explain how the discovery responses were deficient and did not attach the disputed responses for review.
6. Leave to request judicial notice was denied without prejudice because Garcia did not attach the documents, provide the necessary information, or demonstrate their relevance, and appeared to seek factual and legal conclusions from them.

7. Additional sanctions were denied because Garcia identified no sanctionable conduct; Experian's statement about Estrada's involvement was supported by Garcia's own filing and was consistent with the court's prior order.

KEY QUOTATIONS

“A prerequisite to civil contempt is that a party disobeyed a court order.” (Section A)

“[A] plaintiff must prove liability by clear and convincing evidence.” (Section A)

“[I]t is a defense to a claim of civil contempt if the [d]efendant takes all reasonable steps and substantially complies with the court order.” (Section A)

“Judicially noticed documents . . . are only considered to show their contents, not to prove the truthfulness of those contents.” (Section F)

FACTUAL BACKGROUND

The court had ordered Experian to produce certain documents to Garcia by October 14, 2025. Experian mailed the documents before the deadline, but Garcia's facility refused delivery because the mailing did not include defense counsel's bar number; Experian then notified Garcia and promptly resent the documents, which were delivered on November 3, 2025. Garcia subsequently alleged discovery noncompliance, deficient discovery responses, abusive tactics, false statements concerning mailing dates, and improper involvement by a person assisting him with filings.

PROCEDURAL HISTORY

After an October 2, 2025 discovery hearing, the court ordered Experian to produce specified documents by October 14, 2025. Garcia filed multiple motions alleging noncompliance, discovery abuse, sanctionable conduct, and other deficiencies. Experian responded that it timely mailed the documents, that the prison initially refused delivery, and that it promptly remailed the documents; the court denied or partially granted the motions as specified in the minute order.

DISPOSITION

other

CASES CITED

- F.T.C. v. Kuykendall, 371 F.3d 745, 756-57 (10th Cir. 2004)
- Spectra Sonics Aviation, Inc. v. Ogden City, No. 89-4142, 1991 WL 59369, at *2 (10th Cir. Apr. 19, 1991)
- Faircloth v. Hickenlooper, No. 18-cv-01249-RM-STV, 2019 WL 13359576, at *2 (D. Colo. Feb. 13, 2016)
- White River Vill., LLP v. Fidelity & Deposit Co. of Maryland, Nos. 08-cv-00248-REB-MEH, 08-cv-00359-REB-MEH, 2009 WL 2913242, at *1 (D. Colo. Sept. 8, 2009)
- Maturin v. T-Mobile USA, Inc., No. 24-cv-1125 JCH/SCY, 2025 WL 1642420, at *3 (D.N.M. June 10, 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Civil
Action No. 22-cv-02769-GPG-KAS ALEXANDER NOEL GARCIA, Plaintiff, v. EXPERIAN
INFORMATION SOLUTIONS, Crediting Reporting Agency, Defendant.
MINUTE

ORDER

ENTERED BY MAGISTRATE JUDGE KATHRYN A. STARNELLA This matter is before the Court on the following Motions: • Plaintiff's Motion for Contempt of Court Against Defense Counsel Alexander Prunka for Failure to Comply with Court Order (Doc.

161) [#167]; • Plaintiff's Motion for Sanctions Under Fed. R. Civ. P. 37(b)(2) for Failure to Comply with Court Order (Doc. 161) [#168]; • Plaintiff's Motion to Extend All Deadlines by 45 Days Due to Defendant's Noncompliance with Court Order and Discovery Obligations [#169]; • Plaintiff's Motion for Protective Order [#190]; • Plaintiff's Motion to Compel Supplemental and Amended Responses and for Sanctions [#192]; • Plaintiff's Motion for Leave to Request Judicial Notice [#193]; and • Plaintiff's Motion for Sanctions [#194].

The Motions [#167, #168, #169, #190, #192, #193, #194] have been referred to the undersigned. See Memorandums [#172, #173, #195]. A. Plaintiff's Motion for Contempt [#167] Plaintiff requests an order holding former counsel for Defendant, Alex Prunka, in contempt for an alleged failure to comply with a prior discovery order. See Motion [#167] at 1. At an October 2, 2025 discovery hearing, the Court ordered Defendant to produce certain documents to Plaintiff no later than October 14, 2025.

See Minute Entry [#161]. In the Motion [#167], docketed on October 28, 2025,¹ Plaintiff alleges that he had not received any documents from Defendant. In its Response [#186], Defendant claims that all relevant documents were mailed to Plaintiff by the court-ordered deadline of October 14, 2025. Response [#186] at 1. Defendant explains that Plaintiff's facility refused delivery and the documents were returned to sender on October 29, 2025, and October 30, 2025.

Id. at 3. As such, Defendant mailed them again and confirmed they were delivered on November 3, 2025. Id. Mr. Prunka notified Plaintiff that Plaintiff's facility refused to accept the documents at the first delivery attempt. Id. at 3. Mr. Prunka provides a detailed declaration supporting each of these assertions. See Prunka Decl. [#186-2]. A prerequisite to civil contempt is that a party disobeyed a court order.

F.T.C. v. Kuykendall, 371 F.3d 745, 756-57 (10th Cir. 2004). "[A] plaintiff must prove liability by clear and convincing evidence." Id. at 756. Plaintiff does not satisfy this burden. Defendant timely mailed the documents to Plaintiff before the October 14, 2025 deadline. See Certificates of Service [#186-2] at 14, 16.

The prison refused to accept these documents because they failed to include Mr. Prunka's attorney bar number. See Notice of Return to Sender [#186-2] at 11, 23. Thereafter, Defendant took reasonable steps to substantially comply with the Court's order by promptly resending all relevant documents. See *Spectra Sonics Aviation, Inc. v. Ogden City*, No. 89-4142, 1991 WL 59369, at *2 (10th Cir.

Apr. 19, 1991) ("[I]t is a defense to a claim of civil contempt if the [d]efendant takes all reasonable steps and substantially complies with the court order."). Civil contempt is inappropriate and unwarranted under these circumstances.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Contempt [#167] is DENIED. B. Plaintiff's Motion for Sanctions [#168] Plaintiff also requests that the Court sanction Defendant for the same conduct described above. See Motion for Sanctions [#168].

However, as the Court previously explained, Defendant did not violate the Court's prior order. In fact, Defendant mailed the documents before the Court imposed deadline of October 14, 2025. When those documents were ultimately returned, Defendant expeditiously notified Plaintiff and remailed them.

The Court identifies no sanctionable conduct. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Sanctions [#168] is DENIED. 1 The docketed motion does not include the envelope in which the motion was mailed to the Court; therefore, the date on which Plaintiff placed the Motion [#167] in the prison mail is unknown. C. Plaintiff's Motion to Extend Deadlines [#169] Plaintiff requests the Court extend all remaining deadlines in this case by 45 days based on the delayed production of relevant documents.

See Motion to Extend Deadlines [#169]. In addition, he requests that "no further extensions be granted to Defendant absent full compliance with Document 161," i.e., the deadlines the Court imposed at October 2, 2025 discovery hearing. *Id.* at 5. Defendant did not file a response or otherwise indicate opposition to the Motion [#169].

For good cause shown, IT IS HEREBY ORDERED that the Motion [#169] is GRANTED in part and DENIED in part. It is denied in part to the extent Plaintiff requests that no further extensions be granted to Defendant. It is GRANTED in part to the extent it requests an extension of the case deadlines for all parties.

The deadline to make affirmative expert disclosures is February 2, 2026. The deadline to make rebuttal expert disclosures is March 6, 2026. The discovery cutoff is April 6, 2026. The deadline to file dispositive motions is May 4, 2026. No further extensions of the case deadlines will be permitted absent extraordinary circumstances. D. Plaintiff's Motion for Protective Order [#190] Plaintiff requests the Court enter a protective order to "prevent further discovery abuse and litigation gamesmanship." Motion [#190] at 1.

He first claims that Defendant failed to produce CPM SERTS logs for 2010 and 2022, as well as D/R logs for disputes dated January 13, 2022, and December 18, 2021. *Id.* at 1-2. However, Defendant responds that these documents were provided to Plaintiff in accordance with the Court's October 2, 2025 Order. Response [#196] at 2-3. Next, Plaintiff alleges Defendant produced a blank CD/DVD after representing that it contained responsive documents.

Motion [#190] at 2. Defendant contends that it mailed Plaintiff a CD/DVD with the requested digital copies of the non-confidential information; however, Defendant cannot speak to Plaintiff's ability to access the documents on the CD/DVD. Response [#196] at 3. Defendant also points out that Plaintiff does not contest that he did, in fact, receive hard copy versions of these same documents.

Id. Next, Plaintiff claims that Defendant "back-dated a letter to claim timely mailing of confidential documents," that former counsel for Defendant falsely declared the mailing dates of those documents, and that Defendant's new counsel "repeated false factual contentions in filings[.]". Motion [#190] at 2.

However, as noted in Section A above, the Court finds that Defendant has not falsified or fabricated the dates of which the documents were mailed. Ultimately, the Court finds that Defendant has not engaged in abusive discovery tactics, nor has Defendant engaged in any sanctionable conduct that would otherwise warrant a protective order.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Protective Order [#190] is DENIED. E. Plaintiff's Motion to Compel Supplemental and Amended Responses and for Sanctions [#192] In his Motion to Compel Supplemental and Amended Responses and for Sanctions [#192], Plaintiff again rehashes the issue regarding Defendant's delayed production of documents pursuant to the Court's October 2, 2025 order.

The Court has already found that Defendant substantially complied with its discovery obligations and produced the required documents, so it will not readdress this issue. Plaintiff then explains that Defendant's interrogatory responses were not verified. *Id.* at 3. Defendant has attached a copy of the verification to their Response [#196]. See Verification [#196-1].

Moreover, Plaintiff takes issue with Defendant's responses to written discovery, claiming that they are "incomplete," "evasive, contradictory, and amount to gamesmanship." Motion [#192] at 5. For instance, Plaintiff claims that Defendant's interrogatory responses lodge boilerplate objections, and that Defendant's admissions are contradictory. *Id.* Plaintiff asks that Defendant be ordered to serve amended interrogatory responses.

See *id.* at 6. In response, Defendant "stands on its prior arguments regarding discovery at the October 2, 2025 hearing, as well as the Court's October 2, 2025 Order, which required production of confidential documents, amended responses to Interrogatory #8 and Requests for Production #4,

#5, #10, and denied amended responses with respect to other discovery requests.” Response [#196] at 5-6.

Defendant contends it complied with the Court’s order and that Plaintiff has failed to demonstrate otherwise. *Id.* at 6. The Court agrees with Defendant. Plaintiff does not specifically explain how Defendant’s responses to written discovery are deficient. See Motion [#192] at 5 (merely noting that Defendant’s responses to interrogatories were “[b]oilerplate objections and false denials[.]”).

Nor does Plaintiff attach the at-issue discovery responses for the Court to review. Accordingly, IT IS HEREBY ORDERED that the Motion [#192] is DENIED without prejudice. F. Plaintiff’s Motion for Leave to Request Judicial Notice [#193] In the Motion for Leave to Request Judicial Notice [#193], Plaintiff asks the Court to take judicial notice of certain state court orders, certified mail tracking records, and certain case law.

See Motion [#193] at 1-2. When a party requests judicial notice of a fact and supplies the court “with the necessary information,” then the court “must take judicial notice.” FED. R. EVID. 201(c)(2). Here, Plaintiff does not attach the at-issue documents to his Motion [#193].

Moreover, he fails to demonstrate how the documents are relevant to the resolution of his claims. See *Faircloth v. Hickenlooper*, No. 18-cv-01249-RM-STV, 2019 WL 13359576, at *2 (D. Colo. Feb. 13, 2016) (denying motion for judicial notice where pro se plaintiff did not explain the relevance of the at-issue documents); *White River Vill., LLP v. Fidelity & Deposit Co. of Maryland*, Nos. 08-cv-00248-REB-MEH, 08-cv-00359-REB-MEH, 2009 WL 2913242, at *1 (D.

Colo. Sept. 8, 2009). Furthermore, while Plaintiff appears to ask the Court to draw factual and legal conclusions from the various documents, “[j]udicially noticed documents... are only considered to show their contents, not to prove the truthfulness of those contents.” *Maturin v. T-Mobile USA, Inc.*, No. 24-cv-1125 JCH/SCY, 2025 WL 1642420, at *3 (D.N.M. June 10, 2025).

Accordingly, IT IS HEREBY ORDERED that the Motion [#193] is DENIED without prejudice. G. Plaintiff’s Motion for Sanctions [#194] In his Motion for Sanctions [#194], Plaintiff requests sanctions against counsel for Defendant for two reasons. Motion [#194] at 1.

First, he again avers that counsel for Defendant misrepresented the mailing dates associated with Defendant’s recent production of documents. *Id.* at 2. This is the same argument Plaintiff raised in his earlier motions. See Motions [#167, #168].

In addition, Plaintiff claims that counsel for Defendant lodged an allegation that Plaintiff hired Tammy Estrada to prepare his briefing. Motion [#194] at 1. More specifically, in an earlier response to one of Plaintiff’s many motions, Defendant stated that Plaintiff “retained an independent paralegal firm to assist in preparing [his Motion for Sanctions [#168]].” Response [#186] at 7 (quoting Plaintiff’s Motion for Sanctions [#168]).

Plaintiff takes issue with this accusation. However, in Plaintiff's earlier Motion for Sanctions [#168]—the one to which Defendant was responding—Plaintiff expressly stated that he retained an independent paralegal firm to assist in preparing that motion. Motion for Sanctions [#168] at 4. Plaintiff also attached the invoice for those fees. Motion for Sanctions [#168] at 6-7.

In its Response [#196] to the instant Motion for Sanctions [#194], Defendant explains that the invoice is from Bigdog Independent Consultants. Response [#196] at 9. Defendant identified this company as being registered to Ms. Tammy Estrada through the Colorado Secretary of State website. *Id.* Accordingly, Defendant drew the inference that Ms. Estrada continues to act as an advocate on Plaintiff's behalf, despite the Court's prior Order.

See Courtroom Minutes [#124] at 1 ("Plaintiff's power of attorney, Ms. Estrada, may not act as an advocate for the plaintiff. She may only act as a pass-through for email communication between the plaintiff and defense counsel.").

Moreover, Defendant's act of pointing out Ms. Estrada's involvement is exactly what the Court previously ordered Defendant to do. See *id.* ("Defense counsel is to alert the Court if Ms. Estrada is acting as an advocate or holding herself out as a representative of the plaintiff."). Plaintiff's Motion [#194] fails to identify any sanctionable conduct.

Accordingly, IT IS HEREBY ORDERED that the Motion for Sanctions [#194] is DENIED. The Court will separately address Ms. Tammy Estrada's involvement in this case in due course. Dated: December 18, 2025