

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

DEBBIE ULIBARRI, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 07-CV-1814-ODS
)	
CITY & COUNTY OF DENVER, et al.,)	
)	
Defendants.)	

ORDER DENYING MOTION FOR RECONSIDERATION WITHOUT PREJUDICE

On August 14, 2012, the Court granted Defendants' Motion to Amend the Witness List. In doing so, the Court indicated Plaintiffs had not opposed the motion. The undersigned did not realize the Local Rules of this Court permitted parties twenty-one days to respond to motions, so the Court's ruling was issued before the time for Plaintiffs to respond had expired. The Court apologizes for this error.

Under these circumstances, a Motion for Reconsideration would seem to be well-taken. However, Plaintiffs do not really offer any opposition to Defendants' original motion. Defendants sought to add two witnesses to the Witness List. Plaintiffs have no objection to one (Lowell Pippinger). With respect to the other witness (Roxane England), Plaintiffs do not raise an objection presently, but wish to reserve the right to object until after they depose her on August 28. Significantly, Plaintiffs do not dispute the Court's prior observation that "the Record reflects that Plaintiffs have been aware of these individuals and their connection to this dispute for quite some time," nor do they suggest any prejudice from adding Ms. England to the witness list.

Plaintiffs have not provided a reason to alter the Court's determination. The future possibility of an objection after the deposition will not suffice. If Plaintiffs formulate an objection after deposing Ms. England, they are free to assert it then.

IT IS SO ORDERED.

DATE: August 27, 2012

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT