

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 08-cv-01205-ZLW-KLM

VISTA RIDGE DEVELOPMENT, LLC,

Plaintiff,

v.

ASSURANCE COMPANY OF AMERICA,

Defendant.

ORDER

The matter before the Court is Plaintiff's Motion For Reconsideration Of Order Striking Plaintiff's Cross Motion . . . (Doc. No. 33). As Plaintiff recognizes, the Court struck Plaintiff's Cross Motion For Partial Summary Judgment on March 5, 2009, not only because it was filed within a response brief in violation of this Court's Local Rules, but also because it was filed after the dispositive motions deadline in this case. At no point has Plaintiff filed a motion to amend the Scheduling Order setting forth good cause to extend the dispositive motions deadline as required under Fed. R. Civ. P. 16(b)(4). While the Court did grant an extension of time for Plaintiff to respond to Defendant's summary judgment motion, that extension did not somehow include an implicit extension of the dispositive motions deadline as well. Plaintiff's motion for an extension of time to file its response brief nowhere indicates that Plaintiff also was seeking an extension of the dispositive motions deadline or even that it was intending to file a cross-motion. To the contrary, Plaintiff stated that it was "not requesting an extension of

any other deadline” in the case.¹ The dispositive motions deadline in this case stands unless Plaintiff files a proper motion to amend the Scheduling Order, setting forth good cause, which the Court then grants. Accordingly, it is

ORDERED that Plaintiff’s Motion For Reconsideration Of Order Striking Plaintiff’s Cross Motion . . . (Doc. No. 33) is denied in part and granted in part. It is

FURTHER ORDERED that Plaintiff’s Motion For Reconsideration Of Order Striking Plaintiff’s Cross Motion . . . (Doc. No. 33) is denied to the extent that it requests reconsideration of this Court’s March 5, 2009, Order striking Plaintiff’s Cross Motion For Summary Judgment. It is

FURTHER ORDERED that Plaintiff’s Cross Motion For Summary Judgment (Doc. No. 35) is stricken. It is

FURTHER ORDERED that Plaintiff’s Motion For Reconsideration Of Order Striking Plaintiff’s Cross Motion . . . (Doc. No. 33) is granted to the extent that it requests that the Court approve the filing of Plaintiff’s Opposition To Defendant’s Motion For Summary Judgment as a separate document, and Plaintiff’s Opposition To Defendant’s Motion For Summary Judgment (Doc. No. 34) is accepted for filing.

DATED at Denver, Colorado this 18th day of March, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

¹Plaintiff’s Unopposed Motion For A One-Day Extension . . . (Doc. No. 28) at 2.