

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00799-ZLW-KLM

GRANITE SOUTHLANDS TOWN CENTER LLC,

Plaintiff,

v.

ALBERTA TOWN CENTER, LLC, and
LAND TITLE GUARANTEE COMPANY,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion for Leave to Amend Complaint** [Docket No. 111; Filed April 16, 2010] (the "Motion").

Plaintiff requests leave to amend its Complaint in order to add a claim for breach of contract. Plaintiff includes in the Motion the language that it "anticipates adding" to the Complaint. See *Motion* [#111] at 3,4. However, Plaintiff has not attached to the Motion the complete proposed Amended Complaint. See Fed. R. Civ. P. 7(b)(1) (requiring that a motion "state with particularity the grounds for seeking the order" and "the relief sought"); *Calderon v. Kansas Dep't of Soc. and Rehab. Servs.*, 181 F.3d 1180, 1186 (10th Cir. 1999) (citing *Foman v. Davis*, 371 U.S. 178, 181-82(1962)) (noting that the liberal policy of granting motions for leave to amend must be balanced against Rule 7(b)(1)); see also United States District Court – Electronic Filing Procedures, Version 3.0 § V.F.2 (providing that "if a filing of a document requires leave of the court (e.g., an amended complaint . . .), the filer shall post the proposed document as an ECF attachment to the motion").

Furthermore, Plaintiff has failed to include in the Motion certification that it has complied with D.C. COLO. LCivR 7.1A (requiring that motion include statement that "counsel for the moving party . . ., before filing the motion, has conferred or made reasonable, good-faith efforts to confer with opposing counsel . . . to resolve the disputed matter"). Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED without prejudice**.

Dated: April 19, 2010