

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00970-PAB-KMT

PREDATOR INTERNATIONAL, INC., a Colorado corporation,

Plaintiff,

v.

GAMO OUTDOOR USA, INC., a Florida corporation,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer.**

This matter is before the Court on the motions in limine [Docket Nos. 441-50] filed by plaintiff Predator International, Inc. ("Predator") on January 17, 2014. In each motion, Predator provides the following certification: "Parties' counsel have agreed to oppose each other's Motions in Limine but to respond no later than 5 days after the filing thereof by notice to each other and to the Court with respect to whether their opposition to any Motion in Limine continues." See, e.g., Docket No. 442 at 1. The Court interprets this language to mean that the parties have agreed that any motion in limine the other party files is presumptively opposed; however, once filed and after review, if it is not opposed, the non-filing party will notify the Court.

Local Rule 7.1 states that, "[b]efore filing a motion, counsel for the moving party . . . shall confer or make reasonable good faith efforts to confer with any opposing counsel . . . to resolve any disputed matter." D.C.COLO.LCivR 7.1(a). The rule is designed to promote judicial efficiency by encouraging parties to resolve disputes and identify areas of agreement *before* filing a motion. The rule does not include an exception permitting parties to effectively waive its application on the basis of private agreement.

Wherefore, it is

**ORDERED** that Plaintiff's Motion in Limine No. 1 Re: Lou Riley [Docket No. 441], Plaintiff's Motion in Limine No. 3 Re: Telephone Testimony for Regina Valladares [Docket No. 442], Plaintiff's Motion in Limine No. 4 Re: Telephone Testimony for Jennifer Apple, Now Jennifer Nunley [Docket No. 443], Plaintiff's Motion in Limine No. 5 Re: State Court Proceedings [Docket No. 444], Plaintiff's Motion in Limine No. 6 Re: Summaries [Docket No. 445], Plaintiff's Motion in Limine No. 7 Re: Demonstrative

Exhibits [Docket No. 446], Plaintiff's Motion in Limine No. 8 Re: Fed. R. Evid. 404 and 406 [Docket No. 447], Plaintiff's Motion in Limine No. 9 Re: Pre-Judgment Interest [Docket No. 448], Plaintiff's Motion in Limine No. 10 Re: Damages [Docket No. 449], and Plaintiff's Motion in Limine No. 2 Re: Lee Phillips [Docket No. 450] are STRICKEN for failure to comply with Local Rule 7.1.

DATED January 17, 2014.