

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 10-cv-00674-CMA-KLM

CHRISTINE M. CONNER, and
THOMAS M. CONNER,

Plaintiffs,

v.

WELLSTONE REALTY COMPANY, LLC, and
WELLSTONE AT CREEKSIDE, LLC,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE RENEWED MOTION FOR DEFAULT
JUDGMENT (DOC. #11) AND ORDER TO ADMINISTRATIVELY CLOSE CASE**

This matter is before the Court *sua sponte*. On February 4, 2011, the Court issued an Order to Show Cause Why Motion for Default Judgment Should Not Be Denied (Doc. #21), directing Plaintiffs to show cause, in writing, by no later than close of business on Friday, February 18, 2011, as to why Plaintiffs' Renewed Motion for Entry of Default and Default Judgment (Doc. #11) should not be denied due to Plaintiffs' failure to produce an original promissory note in support of their Renewed Motion. A review of the docket reveals that Plaintiffs have failed to show cause.

Plaintiffs were previously advised of the Court's need for the original executed promissory note. On October 20, 2010, during an evidentiary hearing in connection with Plaintiffs' Renewed Motion, the Court informed Plaintiffs that the original executed

promissory note must be filed with the Court before the Court could issue a default judgment based on the testimony presented at the hearing. (See Doc. # 20; Rough Transcript of Evidentiary Hearing at 9:20:10-9:20-38.) Plaintiff's failure to file the original executed promissory note precludes the Court's ability to enter default judgment in their favor.

Accordingly, IT IS ORDERED THAT:

- (1) Plaintiffs' Renewed Motion for Entry of Default and Default Judgment (Doc. # 11) is DENIED WITHOUT PREJUDICE; and
- (2) The Clerk of Court shall ADMINISTRATIVELY CLOSE this case until such time that Plaintiffs are able to locate, and file with the Court, the original executed promissory note, which has been the subject of this action.

DATED: February 28, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge