

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-01293-PAB-KLM

ALI ALSUBAIE, an individual and
SUWAYYIR SAAD ALSUBAIE, an individual (as the biological father and mother and
legal guardians of Decedent, LAMAR ALSUBAIE, their female, infant daughter),

Plaintiffs,

v.

HCA INC., et al.,

Defendants.

ORDER

This matter is before the Court on the response of plaintiffs' counsel Charles R. Free [Docket No. 10] to the Court's Order to Show Cause [Docket 8]. The Court ordered Mr. Free to show cause why the Court should not impose sanctions, including striking plaintiffs' filings, in light of Mr. Free's failure to supply the Court with a valid e-mail address in compliance with the Electronic Case Filing Procedures for the District of Colorado (Civil Cases) ("ECF Procedures") and Federal Rule of Civil Procedure 11(a) and his failure to respond appropriately to communications from the Clerk's Office and this Court's chambers.

Mr. Free is still out of compliance with the ECF Procedures. In a section cited and quoted in the Order to Show Cause, the ECF Procedures provide that "[a]n attorney . . . whose e-mail address changes, shall, within ten days, (1) change the e-mail address in the account maintenance link in ECF and (2) file a notice of change of

e-mail address.” ECF Procedures IV.E. Instead of taking these steps, Mr. Free represents that he has obtained a valid e-mail address and “reported” that change to the Clerk’s Office. See Docket No. 10 at 2.

Furthermore, Mr. Free has inadequately addressed the Court’s concern regarding his failure to respond to communications from the Clerk’s Office and this Court’s chambers. Mr. Free must satisfy the Court that he has established a reliable means to receive and respond to voice mail messages from the Court.

Finally, after the filing of his response to the Order to Show Cause, Mr. Free, along with co-counsel, Mr. R. Bret Beattie, filed a response [Docket No. 11] to defendants’ motion to dismiss [Docket No. 7]. Neither attorney provided a mailing address, e-mail address, or phone number in the signature block of the response as is required by D.C.COLO.LCivR 10.1K and Federal Rule of Civil Procedure 11(a). The Court granted the plaintiffs additional time to file their response in compliance with the aforementioned rules [Docket No. 12]. Plaintiffs filed another response [Docket No. 13] in which Mr. Beattie provided all the required contact information but Mr. Free failed to provide an e-mail address.

In short, Mr. Free has inadequately responded to the Order to Show Cause and, along with Mr. Beattie, has not complied with the Local Rules and Federal Rules of Civil Procedure since the issuance of the Order to Show Cause. The Court will permit counsel for plaintiffs to address the aforementioned deficiencies before the Court determines what, if any, sanctions to impose. Therefore, it is

ORDERED that on or before **5:00 p.m. on Friday, August 20, 2010**, Mr. Charles R. Free may file a supplement to his response to the Order to Show Cause. It is further

ORDERED that on or before **5:00 p.m. on Friday, August 20, 2010**, counsel for plaintiffs shall show cause why plaintiffs' response [Docket No. 13] should not be stricken for failing to comply with the Local Rules and the Federal Rules of Civil Procedure.

DATED August 18, 2010.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge