

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02669-WYD-MEH

STEVEN DOUGLAS GREEN,

Plaintiff,

v.

DARRELL SNYDER,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 9, 2012.

Before the Court is “Plaintiff’s Motion to Strike Defendant Snyder’s Reply for Summary Judgement” [filed May 8, 2012; docket #204]. Plaintiff’s Motion asks the Court to strike Defendant’s (second) Reply [docket #194] and to sanction Defendant for failure to comply with Chief Judge Daniel’s practice standards. Plaintiff’s Motion is **denied** for the following reasons.

First, the Court finds that Defendant’s (second) Reply adequately complies with Chief Judge Daniel’s practice standards. Unlike Defendant’s first reply [docket #172], the present (second) Reply contains a section admitting or denying the disputed material “facts” set forth in Plaintiff’s response brief. (*See* docket #194 at 1-4.) Plaintiff argues that Defendant’s preface to this section, which explains Defendant’s initial failure to respond to Plaintiff’s “facts,” justifies striking the document. However, the Court finds that Defendant’s preface is helpful to understanding Defendant’s view of Plaintiff’s facts and does not otherwise undermine the asserted purpose of the applicable practice standards, which is to “establish facts and to determine which facts are in dispute.” WYD Civ. Prac. Stds. § IIB.7.

Second, because the Court finds no cause to strike Defendant’s (second) Reply, sanctions are not appropriate.

Finally, Plaintiff’s Motion fails to comply with Fed. R. Civ. P. 5(a)(1)(D) and D.C. Colo. LCivR 5.1G. Rule 5(a)(1)(D) requires that a written motion filed with the Court must be served on every party. Local Rule 5.1G requires, in pertinent part, that “[e]ach paper, other than one filed ex parte, shall be accompanied by a certificate of service indicating the date it was served, the name and address of the person to whom it was sent, and the manner of service.” Plaintiff’s Motion contains a certificate of service indicating that the motion was mailed to the Court. Plaintiff is obligated to provide service to all *parties*; simply mailing a document to the Court does not meet this requirement.