

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02995-REB-MEH

LYNN PRATER, and
JOHN PRATER,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON, formerly known as the Bank of New York,
ARONOWITZ & MECKELBERG, LLP, and
THE STATE OF COLORADO,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on January 24, 2011.

Plaintiffs' Amended Motion to Leave to Amend to Add Governor John W. Hickenlooper, in his Official [sic] Capacity, as a Defendant [filed January 21, 2011; docket #33] is **denied without prejudice** for failure to comply with D.C. Colo. LCivR 7.1A and B. The plain language of D.C. Colo. LCivR 7.1A states,

The court will not consider *any motion*, other than a motion under Fed. R. Civ. P. 12 or 56, unless counsel for the moving party or a *pro se* party, before filing the motion, has conferred or made reasonable, good-faith efforts to confer with opposing counsel or a *pro se* party to resolve the disputed matter. The moving party shall state in the motion, or in a certificate attached to the motion, the specific efforts to comply with this rule.

(emphasis added). Rule 7.1A requires meaningful negotiations by the parties, thus the rule is not satisfied by one party sending the other party a single email, letter or voicemail. *See Hoelzel v. First Select Corp.*, 214 F.R.D. 634, 636 (D. Colo. 2003).

Plaintiffs' Motion to Add Governor John W. Hickenlooper, in his Official [sic] Capacity, as a Defendant [filed January 21, 2011; docket #31] is **denied as moot**.