

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00407-PAB-BNB

JAMES FRANKS,

Plaintiff,

v.

FLINT-MCCLUNG CAPITAL, LLC,  
SHAWON MCCLUNG and  
BRYANT FLINT d/b/a, and  
HEIDI ARNDT,

Defendants.

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**ORDER**

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This matter was set for a scheduling conference on May 18, 2011, at 9:00 a.m. The conference could not proceed due to technical difficulties.

Two of the defendants--Heidi Arndt and Bryan Flint--appear to be proceeding *pro se*. Both have contacted the court in one way or another. Ms. Arndt has appeared and filed a general denial of the plaintiff's claims. Letter [Doc. # 10, filed 4/15/2011]. Ms. Arndt's Letter contains a return address specifying only a city, email address, and telephone number.

A Return of Service has been filed with respect to Mr. Flint [Doc. # 6, filed 4/15/2011] purporting to evidence service of process against him. Mr. Flint has not filed a responsive pleading. He has provided to my chambers, as required by my Order [Doc. # 5], a document captioned "Confidential Settlement Statement." In the confidential settlement statement, Mr. Flint provided an email address and a cell phone number but stated, "Bryan Flint Pro Se is only

available via mail, email, cell phone and Skype, and not available to travel for any reason unless paid by other parties. . . .” Although Mr. Flint indicates that he may be contacted by mail, no mailing address was provided. In addition, Mr. Flint contacted my chambers by telephone this morning to participate in the scheduling conference.

First, local rule of practice 10.1A, D.C.COLO.LCivR, requires that a party proceeding *pro se* enter an appearance “in open court or in a pleading, motion, entry of appearance, or other paper personally signed by the individual making the appearance. Local rule 10.1K requires that the signature block of any paper submitted to the court include the following information about the filer: name; current mailing address, which may be a post office box but must also include a street address; and telephone number. Ms. Arndt and Mr. Flint have failed to comply with the requirement concerning providing a current mailing address and street address.

Second, these defendants are proceeding *pro se*. They may not participate in the electronic filing system utilized by the court unless they apply and are approved to do so. Consequently, service by electronic means ordinarily is not allowed. In this case, however, where the parties have appeared in a manner inconsistent with the local rules; where I have set a matter for hearing and required the parties’ personal appearance; and where a failure to appear and participate could lead to the entry of default against the parties, I am directing the Clerk of the Court to serve this order on Ms. Arndt and Mr. Flint by means of their email addresses.

IT IS ORDERED:

1. The scheduling conference is reset to **June 1, 2011, at 1:30 p.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado;
2. Counsel and any *pro se* parties must attend the scheduling conference **in person**;

3. Ms. Arndt and Mr. Flint shall comply with the requirements of D.C.COLO.LCivR 10.1K on or before **May 30, 2011**; and

4. The Clerk of the Court is directed to serve a copy of this order on Ms. Arndt and Mr. Flint at the following email addresses:

Ms. Heidi Arndt  
[heidi@heidiarndt.com](mailto:heidi@heidiarndt.com)

Mr. Bryan Flint  
[bryanflint@gmail.com](mailto:bryanflint@gmail.com).

Dated May 18, 2011.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge