

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00508-DME-CBS

NOLTE ASSOCIATES, INC.,
a California corporation

Plaintiff,

v.

HOTEL GOLD CROWN CHAMPA, LLC,
a Colorado limited liability company,
H&M MORTGAGE & INVESTMENTS, LLC,
a Colorado limited liability company,
KEYBANK NATIONAL ASSOCIATION,
FIRSTTIER BANK,
AMERICAN NATIONAL BANK,
RIVIERA HOLDING, LLC,
ASSET PRESERVATION, INC.,
a California corporation, and
STEPHANIE O'MALLEY,
in her capacity as the Public Trustee of Denver County,

Defendants.

OZ ARCHITECTURE OF BOULDER, INC.,

Plaintiff,

v.

HOTEL GOLD CROWN CHAMPA, LLC,
a Colorado limited liability company,
H&M MORTGAGE & INVESTMENTS, LLC,
a Colorado limited liability company,
FISERV ISS & CO.,
FBO MORRIS GINSBERG IRA,
KEYBANK NATIONAL ASSOCIATION,
FIRSTTIER BANK,
AMERICAN NATIONAL BANK,
RIVIERA HOLDING, LLC,
ASSET PRESERVATION, INC.,

NOLTE ASSOCIATES, INC.,
MAHINDER BAJAJ,
PAUL OLSEN,
THE CITY AND COUNTY OF DENVER, COLORADO,
BK-STOUT, LLC,
STEPHANIE O'MALLEY,
in her capacity as the Public Trustee of Denver County, and
JOSEPH A. MURR,
Atty. Reg.,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE CRAIG B. SHAFFER

THIS MATTER IS before the court on Federal Deposit Insurance Corporation's, in its capacity as Receiver for Defendant FirstTier Bank, Motion to Substitute FDIC as Receiver for Defendant FirstTier Bank and Request for 90 Day Stay of Proceedings under 12 U.S.C. § 1821(d)(12) filed March 7, 2011 (*doc # 7*).

IT IS HEREBY ORDERED that the instant Motion is DENIED without prejudice on two grounds: (1) failure to use the correct caption; and (2) failure to comply with D.C.COLO.L.CIV.R. 7.1.A., which requires counsel to the moving party to have "conferred or made reasonable, good-faith efforts to confer with opposing counsel or a pro se party to resolve the disputed matter" before filing a motion and to "state in the motion, or in a certificate attached to the motion, the specific efforts to comply with this rule." Counsel for FDIC's statement that she has "attempted to confer with opposing counsel" and citation to a Colorado State rule does not comply with D.C.COLO.L.CIV.R. 7.1.A.

Further, with respect to all motions pending in state court, Counsel are referred to the requirement of D.C.COLO.L.CIV.R. 81.1B. for separate filing of "each pending motion, petition, and related response, reply, and brief" within 14 days of the filing of the notice of removal.

DATED: March 8, 2011
