

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00968-REB-KLM

KATHLEEN CHYTKA,

Plaintiff,

v.

WRIGHT TREE SERVICE, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Strike the Defendants Motion to Dismiss Failure to Train Claim for Failure to Exhaust Administrative Remedies. 2. To Motion for a Jury Trial** [sic] [Docket No. 212; Filed March 18, 2013] and on Plaintiff's **Motion to Strike the Defendants Motion to Dismiss for Failure to State a Claim for to Exhaust Administrative Remedies by Defendant Wright Tree Service Inc # (1) Exhibit A) Brett Painter or Any Other Exhibits or Calims** [sic] [Docket No. 19; Filed March 18, 2013]. As a preliminary matter, the Motions to Strike do not comply with D.C.COLO.LCivR 7.1A, which provides as follows:

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.

As Plaintiff has been told many times before [#36, #42, #45, #52, #67, #73, #85, #89, #148, #151, #170, #178, #184, #202, #206], on this basis alone, the Motions to Strike are subject to denial without prejudice or to being stricken themselves. However, in consideration of the Court's obligation to liberally construe the filings of *pro se* litigants, the Court accepts the first Motion to Strike [#212] as Plaintiff's Response to Defendant's pending Motion to Dismiss [#207]. Accordingly,

IT IS HEREBY **ORDERED** that the first Motion to Strike [#212] is therefore **DENIED**

as moot but will be considered in connection with a Recommendation on the Motion to Dismiss.

IT IS FURTHER **ORDERED** that the second Motion to Strike [#213] is **STRICKEN** for failure to comply with Local Rule 7.1A.

Dated: March 19, 2013