

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01212-CMA-MEH

ROY MITA,

Plaintiff,

v.

FUJI BICYCLES/IDEAL BIKE CORPORATION, LTD,
ADVANCED SPORTS, INC.,
PERFORMANCE BICYCLE SHOP, INC., and
QUEST COMPISITE TECHNOLOGY CORPORATION,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 12, 2011.

Before the Court is Plaintiff's Motion for Leave to File First Amended Complaint [filed July 11, 2011; docket #12]. Despite this Court's prior advisements, the motion fails to comply with D.C. Colo LCivR 10.1E and with the certification requirement in D.C. Colo. LCivR 7.1A. Plaintiff is now warned that any future filings failing to comply with these and other applicable rules will be stricken or denied without prejudice.

For purposes of the present motion, the Court will accept Plaintiff's assertions concerning defense counsel's "advice" regarding the proper Defendant to constitute the Plaintiff's attempt to confer pursuant to D.C. Colo. LCivR 7.1A, and will consider the motion "unopposed." *See* D.C. Colo. LCivR 7.1B.

Upon review of the proposed First Amended Complaint, however, the Court finds that there may be an error in the caption of the proposed pleading. In the original Complaint, Plaintiff lists as separate Defendants, "Fuji Bicycles/Ideal Bike Corporation, Ltd." and "Advanced Sports, Inc." Docket #1. In fact, Defendant Advanced Sports, Inc. has filed an Answer as a separate entity and Defendant in this case. *See* docket #6. However, in the proposed First Amended Complaint, Plaintiff lists as separate Defendants, "Fuji Bicycles/Advanced Sports, Inc." and "Ideal Bike Corporation." Because the Plaintiff makes no mention of this change in the motion and the change seems inconsistent with pleadings already filed in this case, the Court will **deny the motion without prejudice** and allow the Plaintiff to re-file his request identifying for the Court the proper Defendants in the case.