

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 11-cv-01540-WYD-BNB

TAYLOR MOVING, LLC, a Colorado limited liability company,

Plaintiff,

v.

MICHAEL VOIGT, an individual;
OPM ENTERPRISES, INC., d/b/a Pride Worldwide Moving & Storage, d/b/a Boulder
Valley Transfer, a Colorado corporation;
TAYLOR MOVING, INC., a Colorado corporation;
TAYLOR MOVING AND STORAGE, INC., a Colorado corporation; and,
BOULDER VALLEY TRANSFER, INC., a Colorado corporation,

Defendants.

ORDER

THIS MATTER is before the Court on: (1) Taylor Moving, LLC's, Plaintiff's Motion For Summary Judgment [ECF No. 61]; (2) defendants, Michael Voigt, OPM Enterprises, Inc., Taylor Moving, Inc., Taylor Moving and Storage, Inc., and Boulder Valley Transfer, Inc.'s (collectively "the Defendants") Defendants' Motion For Summary Judgment [ECF No. 62]; and, (3) Taylor Moving, LLC's, Plaintiff's Motion For Alternative Dispute Resolution [ECF No. 93]. For the reasons discussed below, the Motions for Summary Judgment [ECF Nos. 61 & 62] are DENIED WITHOUT PREJUDICE, and Taylor Moving, LLC's, Motion For Alternative Dispute Resolution [ECF No. 93] is DENIED.

BACKGROUND AND ANALYSIS

On August 17, 2012, Taylor Moving, LLC, (“Taylor Moving”) filed its Plaintiff’s Motion For Summary Judgment [ECF No. 61] which did not conform to my PRACTICE STANDARDS. Pursuant to Rule III(B)(3):

All motions for summary judgment must contain a section entitled “Movant’s Statement of Material Facts.” This Statement shall set forth in simple, declarative sentences, which are separately numbered and paragraphed, each material fact that the movant believes support movant’s claim that movant is entitled to judgment as a matter of law. Each separately numbered and paragraphed fact must be accompanied by a specific reference to material in the record which establishes that fact.

Senior Judge Wiley Y. Daniel’s CIVIL and CRIMINAL PRACTICE STANDARDS, Rule III(B)(3), <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/JudicialPracticeStandards/SeniorArticleIIIJudges/HonWileyYDaniel.aspx>. Taylor Moving’s Motion for Summary Judgment does not contain a section entitled “Movant’s Statement of Material Facts.” In the Defendants’ Response To Plaintiff’s Motion For Summary Judgment [ECF No. 68], the Defendants’ state that, “[t]he failure of the Plaintiff to follow the Court’s rule makes it impossible for the Defendants to respond as required by the Court’s rule. Defendants cannot tell where arguments end and specific factual references begin.” ECF No. 68, p. 2, ¶ 3. The Defendants did not substantively respond to Taylor Moving’s Motion for Summary Judgment.

On August 17, 2012, the Defendants filed their Defendants’ Motion for Summary Judgment [ECF No. 62]. On September 7, 2012, Taylor Moving filed its Amended Response To Defendants’ Motion For Summary Judgment [ECF No. 69] which did not comply with my PRACTICE STANDARDS. Pursuant to Rule III(B)(5):

If the party opposing the motion believes there are additional disputed questions which have not been adequately addressed in the submissions made pursuant to this Section (for example, disputed facts concerning an affirmative defense), the party shall, in a separate section of the party's brief styled "Statements of Additional Disputed Facts," set forth in simple declarative sentences, separately numbered and paragraphed, each additional material disputed fact which undercuts movant's claim that movant is entitled to judgment as a matter of law. Each separately numbered and paragraphed fact shall be accompanied by specific reference to material in the record which establishes the fact or at least demonstrates that it is disputed.

Id. at Rule III(B)(5). Taylor Moving's Response includes a section entitled "Statement of Additional Disputed Facts," but does not set separately number each alleged additional disputed fact. On October 1, 2012, the Defendants filed their Defendants' Motion To Strike Response To Motion For Summary Judgment Or, In The Alternative, Reply In Support Of Motion For Summary Judgment [ECF No. 75], arguing that I should strike Taylor Moving's Response [ECF No. 69] because it violates Rules 11(b)(3) and (4) of the FEDERAL RULES OF CIVIL PROCEDURE and my PRACTICE STANDARDS.

On November 5, 2012, Taylor Moving filed its Plaintiff's Motion For Alternative Dispute Resolution [ECF No. 93], requesting this Court to issue an Order mandating that the parties attend alternative dispute resolution. On November 30, 2012, the Defendants filed their Defendants' Response To Motion For Alternative Dispute Resolution [ECF No. 96], arguing that they do not object to a settlement conference, but "believe that the chances of settlement increase significantly if the settlement conference is held after the ruling [on the then pending Motions for Summary Judgment]." ECF No. 96, p. 2, ¶ 2.

CONCLUSION

After reviewing the parties' filings within the past month, I find that they are inadequate to allow meticulous, proper analysis regarding the parties' summary judgment claims. Accordingly, it is

ORDERED that Taylor Moving, LLC's, Plaintiff's Motion For Summary Judgment [ECF No. 61] and defendants, Michael Voigt, OPM Enterprises, Inc., Taylor Moving, Inc., Taylor Moving and Storage, Inc., and Boulder Valley Transfer, Inc.'s (collectively "the Defendants") Defendants' Motion For Summary Judgment [ECF No. 62] are **DISMISSED WITHOUT PREJUDICE**. It is

FURTHER ORDERED that Taylor Moving, LLC, and the Defendants shall re-file their respective Motions for Summary Judgment, in compliance with the FEDERAL RULES of CIVIL PROCEDURE and my PRACTICE STANDARDS, **on or before Monday, March 25, 2013**. All responses and replies to the filings shall be filed within the time frame allowed by the FEDERAL RULES of CIVIL PROCEDURE and the Local Rules for the United States District Court for the District of Colorado. It is

FURTHER ORDERED that Taylor Moving, LLC's, Motion For Alternative Dispute Resolution [ECF No. 93] is **DENIED**. It is

FURTHER ORDERED that a Motions Hearing regarding the parties' Motions for Summary Judgment, which shall be filed on or before Monday, March 25, 2013, is set for **Wednesday, June 5, 2013, at 2:30 p.m. in Courtroom A-1002**.

Dated: March 11, 2013.

BY THE COURT:

/s/ Wiley Y. Daniel

Wiley Y. Daniel

Senior U. S. District Judge