

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-02274-PAB-BNB

KFORCE INC.,

Plaintiff,

v.

EVERETT COSTA,

Defendant.

---

**ORDER**

---

This matter is before the Court on plaintiff's motion for a preliminary injunction [Docket No. 18] and defendant's motion to dismiss for lack of subject matter jurisdiction [Docket No. 21].

The Local Rules of this District state that a court "will not consider any motion . . . 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." D.C.COLO.LCivR 7.1(A). In its motion, plaintiff certifies that it "contacted Defendant's counsel to notify Defendant that [plaintiff] would seek the relief sought in this Motion." Docket No. 18 at 2. It further stated that, as of the filing of the motion, it "had not been able to ascertain Defendant's position with regard to this Motion." *Id.* The Court cannot glean from this certification what, if any, "specific efforts to comply with th[e] rule" were taken by plaintiff. D.C.COLO.LCivR 7.1(A).

In his motion, defendant contends that plaintiff has failed to adequately allege facts in support of this Court's exercise of subject matter jurisdiction. Absent an assurance that jurisdiction exists, a court may not proceed in a case. *See Cunningham v. BHP Petroleum Great Britain PLC*, 427 F.3d 1238, 1245 (10th Cir. 2005).

Therefore, it is

**ORDERED** that the Court will not consider plaintiff's motion for preliminary injunction [Docket No. 18] until such time as plaintiff complies with D.C.COLO.LCivR 7.1(A) and has satisfied the Court that it may exercise subject matter jurisdiction over this case.

DATED November 7, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge