

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02292-CMA-KLM

USA,

Plaintiff,

v.

JAMES D. WELCH, individually and as Executive Trustee of Celestial Pursuits Trust,
AMRA WELCH, as nominee/alter ego of James D. Welch, and
CIT GROUP/EQUIPMENT FINANCING, INC.,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants' **Petition to Dismiss and Response to Motion for Summary Judgment** [Docket No. 73; Filed November 20, 2012] (the "Motion"). Defendants seek dismissal of the United States' case against them and simultaneously respond to the United States' pending Motion for Summary Judgment Against Jim D. Welch and Amra Welch [#63].

Defendants' filing is improper for two reasons. First, the Local Rules state that, "A motion shall not be included in a response or reply to the original motion. A motion shall be made in a separate paper." D.C.COLO.LCivR 7.1C. The Motion is subject to denial on this basis alone.

Further, however, the Dispositive Motions Deadline passed on October 5, 2012 [#27]. Defendants later sought leave and were granted an extension of time to file a Response to the United States' dispositive motion [#63]. See *Minute Order* [#71]. However, Defendants never sought leave of the Court to amend the Scheduling Order to extend the Dispositive Motions Deadline so they could file a dispositive motion after October 5, 2012. See *Motion for Extension of Time* [#69]. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#73] is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that the Motion [#73], as well as the Response contained therein, is **STRICKEN** from the electronic docket.

IT IS FURTHER **ORDERED** that Defendants may file a Response to the United States' Motion for Summary Judgment Against Jim D. Welch and Amra Welch [#63] **on or before December 28, 2012. Absent a showing of exceptional cause, no further extension of time will be granted.**

Dated: December 10, 2012