

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02545-KLM

SAMMY KING,

Plaintiff,

v.

GORDON TRUCKING, INC., and
SARAH GRAHAM,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Reopen Discovery** [Docket No. 42; Filed October 1, 2013] (the "Motion"). As an initial matter, the Motion does 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.

The Motion is subject to denial on this basis alone. Further, the Court notes that Plaintiff contends that discovery should be reopened, in part, because "Plaintiffs [sic] wrongly operated under the belief that liability would be admitted in this case, and so no discovery was necessary on the issue." *Motion* [#423] at 2. Plaintiff's erroneous belief does not amount to the diligence required by a party in pursuing discovery. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#42] is **DENIED without prejudice**.

Dated: October 7, 2013