

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03212-MSK-KLM

STEVE A. MOODY,

Plaintiff,

v.

CAPITAL MANAGEMENT SERVICES, LP,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion for Leave to Appear by Telephone for Initial Scheduling/Planning Conference Set for April 4, 2012** [Docket No. 6; Filed January 23, 2012] (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. The Court further notes that Plaintiff's counsel incorrectly avers that the Scheduling Conference is set before District Judge Marcia S. Krieger, when in fact it is set before Magistrate Judge Kristen L. Mix. *See Order Setting Scheduling/Planning Conference* [#3]. Nevertheless, in the interest of expedience,

IT IS HEREBY **ORDERED** that the Motion [#6] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that Plaintiff's counsel may appear by telephone at the Scheduling Conference on April 4, 2012 at 10:30 a.m. by dialing the Court at **303-335-2770**. If any other parties are granted leave to appear telephonically, these parties must initiate a conference call between themselves and Plaintiff's counsel before dialing the Court.

Dated: January 30, 2012