

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 12-cv-00463-CMA-BNB

INTERNATIONAL ACADEMY OF BUSINESS AND
FINANCIAL MANAGEMENT, LIMITED,
BRETT KING, and
GEOFFREY BARING,

Plaintiffs,

v.

GEORGE S. MENTZ, and
AMERICAN ACADEMY OF FINANCIAL MANAGEMENT, LLC,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

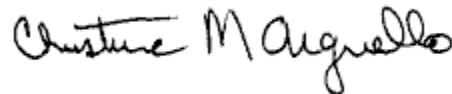
This matter is before the Court on Plaintiffs' Motion for Summary Judgment as to Liability filed June 24, 2013. (Doc. # 41.) Defendants responded to this motion on July 31, 2013 (Doc. # 50), and Plaintiffs replied on August 14, 2013 (Doc. # 51). Upon review of the parties' briefing and the evidence referenced therein, the Court determines that genuine issues of material fact preclude the Court from granting the summary judgment motion.¹

¹ With regard to counterclaims three through seven, Plaintiffs relied solely on their previously filed motion to dismiss as a basis for dismissing those claims rather than asserting arguments under the summary judgment standard. (See Doc. # 44, at 17-18.) Defendants correctly responded that those arguments were rendered moot by this Court's order denying the motion to dismiss, entered on July 17, 2013 (Doc. # 48.) Then, in the reply, Plaintiffs asserted new arguments regarding why the Court should grant summary judgment on those claims. The Court declines to address these arguments. See *United States v. Mora*, 293 F.3d 1213, 1216

Accordingly, the Court ORDERS that Plaintiffs' Motion for Summary Judgment (Doc. # 44) is DENIED.

DATED: January 09, 2013

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

(10th Cir. 2002) (citing *Codner v. United States*, 17 F.3d 1331 n.2 (10th Cir. 2002), and *Lyons v. Jefferson Bank & Trust*, 994 F.2d 716, 724 (10th Cir. 1993)) (the court need not address arguments raised for the first time in a reply brief); *Rackhouse Pub, LLC v. Proximo Spirits, Inc.*, No. 13-CV-00477-MSK-KMT, 2013 WL 5609347 (D. Colo. Oct. 11, 2013) (“It is axiomatic that courts will usually refuse to consider an argument raised for the first time in a reply brief, primarily because it deprives the opponent of the opportunity to address it.”).