

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02749-MSK-MEH

R. KIRK MCDONALD,

Plaintiff,

v.

J.P. MORGAN CHASE BANK N.A.,
CITIBANK, N.A.,
CHASE FUNDING MORTGAGE LOAN, and
ASSET BACKED CERTIFICATES 2002-4,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 2, 2013.

Pending before the Court is Plaintiff's Petition & Motion for "Private Attorney General" [filed July 1, 2013; docket #92]. Plaintiff's Motion asks the Court to recognize him as a "private attorney general" in this action; however, Plaintiff appears to misunderstand the import of this doctrine.

"Where authorized, the private attorney general doctrine permits those who undertake legal action for the benefit of society to recover their attorney's fees." *In re Lopez*, 109 P.3d 1021, 1024 (Colo. App. 2005) (citing *Van Alstyne v. Housing Auth.*, 985 P.2d 97, 100 (Colo. App. 1999)). Though this benefit is theoretically available to those who have incurred attorney's fees by initiating litigation for the public's benefit, Plaintiff is representing himself in this action. Because Plaintiff is not an attorney, he is not entitled to recover attorney's fees for time spent in pursuit of his claims. *See Smith v. Furlong*, 976 P.2d 889, 890 (Colo. App. 1999) (collecting cases). Unless and until Plaintiff retains counsel to represent him, the "private attorney general" recognition he seeks is meaningless. Therefore, Plaintiff's Motion is **denied as premature**.