

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00079-PAB-KMT

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiff,

v.

INTRAWEST ULC f/k/a/ INTRAWEST CORPORATION,
FEDERAL INSURANCE COMPANY,
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and
CONTINENTAL CASUALTY COMPANY,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer.

This matter is before the Court on a Motion to Strike CNA's Response in Opposition to Plaintiff's Motion for Summary Judgment [Docket No. 147] filed by plaintiff National Union Fire Insurance Company of Pittsburgh, PA. Plaintiff asks the Court to strike defendant National Fire Insurance Company of Hartford and Continental Casualty Company's joint response brief [Docket No. 134] to plaintiff's motion for summary judgment. Plaintiff argues that defendants' response brief violates this Court's practice standards, which prohibit legal argument in factual sections of summary judgment briefs. See Practice Standards (Civil cases), Judge Philip A Brimmer § III.F.3.b.vii. The Court will not strike defendants' response brief on that basis, but will ignore any inappropriate legal argument. Plaintiff also argues that defendants' response brief improperly requests relief pursuant to Fed. R. Civ. P. 56(d), which plaintiff argues is in violation of D.C.COLO.LCivR 7.1C: "A motion shall not be included in a response or reply to the original motion. A motion shall be made in a separate paper." The Court does not construe plaintiff's invocation of Rule 56(d) as a separate motion necessitating a separate pleading. It is

ORDERED that plaintiff's Motion to Strike CNA's Response in Opposition to Plaintiff's Motion for Summary Judgment [Docket No. 147] is DENIED.

Dated December 4, 2013.