

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 13-cv-00768-MSK-KMT

RG OPTIONS LLC,

Plaintiff,

v.

JOSEPH C. BERSHAS, and  
JULIE C. BERSHAS,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

“Defendant’s [sic] Motion for Leave to Amend Pleadings” (Doc. No. 12, filed July 23, 2013), by which Defendants Joseph and Julie Bersha seek to file an Amend Complaint (*See* Doc. No. 12-2) is DENIED. First, the court finds that Defendant’s counsel has not adequately discharged his duty to confer under Local Rule 7.1A. *See* D.C.COLO.LCivR 7.1A (“The moving party shall state in the motion, or in a certificate attached to the motion, the *specific* efforts to comply with this rule.”) (emphasis added). Second, although they seek to file an amended pleading, Defendants overlook the fact that they have not yet filed a pleading that might be subject to amendment under Fed. R. Civ. P. 15. Finally and most importantly, because they are named as *defendants* to Plaintiff’s Complaint for Unlawful Detainer (Doc. No. 3), Mr. and Ms. Bershas are not authorized to file a complaint. *See* Fed. R. Civ. P. 7(a). Rather, defendants to an action may file only the following pleadings: (1) an answer, which may include one or more counterclaims or crossclaims; (2) an answer to a crossclaim; (3) a third-party complaint; or (4) if ordered, a reply to an answer. *See id.*; *see also* Fed. R. Civ. P. 13 & 14.

Dated: July 26, 2013