

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01156-MSK-KLM

DAVID L. SMITH, and
M. JULIA HOOK,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Motion for Order Joining the Colorado Department of Revenue as a Required Party Defendant** [Docket No. 23; Filed August 26, 2013] and on Plaintiffs' **Supplemental Motions for Temporary and Preliminary Injunctive Relief, and/or for Issuance of a Writ of Prohibition and/or Mandamus; Request for a Stay of All Collection Actions by the Colorado Department of Revenue Pending Resolution of Plaintiffs' Supplemental Motions** [Docket No. 24; Filed August 26, 2013] (collectively, the "Motions").

IT IS HEREBY **ORDERED** that the Motions [#23, #24] are **DENIED WITHOUT PREJUDICE** for Plaintiffs' failure to comply fully with D.C.COLO.LCivR 7.1A. Plaintiffs merely state that they sent opposing counsel an email asking his position and that they did not get a response. [#23] at 5; [#24] at 13. They do not say when they sent the email or how long they waited before filing the Motions. The Court therefore finds that Plaintiffs provided insufficient information regarding their efforts to comply. See *Hoelzel v. First Select Corp.*, 214 F.R.D. 634, 635-36 (D. Colo. 2003) (Rule 7.1A requires "meaningful negotiations" by the parties; "[t]he rule is not satisfied by one party sending a single e-mail [, letter, or voice message] to another party"). The explanation provided does not amount to a "reasonable, good faith effort" to confer. After contacting opposing counsel about a disputed matter, counsel for the moving party is advised to wait **at least three business days** for a response before filing a motion with the Court.

Dated: August 29, 2013