

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01182-WYD-KLM

SEAN KEITH,

Plaintiff,

v.

HCA-HEALTHONE, LLC, doing business as Rose Medical Center,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion for Leave to Filed Amended Complaint and Jury Demand** [#17] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion [#17] is **DENIED without prejudice**. Plaintiff has failed to comply with D.C.COLO.LCivR 7.1(a), which provides as follows:

Before filing a motion, counsel for the moving party or an unrepresented party shall confer or make reasonable good faith efforts to confer with any opposing counsel or unrepresented party to resolve any disputed matter. The moving party shall describe in the motion, or in a certificate attached to the motion, the specific efforts to fulfill this duty.

The Motion may be denied on this basis alone. In the Motion, counsel for Plaintiff provides insufficient information regarding his 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"). Here, Plaintiff merely states that "the undersigned has attempted to confer with counsel for Defendant with respect to this Motion via e-mail. However, counsel for Defendant has not yet responded to the undersigned's attempt to confer, and so the undersigned is unaware of Defendant's position on the Motion." *Motion* [#17] at 3. There is no indication of when the e-mail was sent or how long Plaintiff waited for a response from Defendant's counsel. Plaintiff therefore has not demonstrated that he has engaged in 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: May 22, 2015