

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00494-PAB-NYW

JDK LLC, a Colorado limited liability company,
DEBORAH KOLASSA,
JERRY KOLASSA, and
S. MARK SPOONE,

Plaintiffs,

v.

PAUL A. TALBOT,
FRANK O. HOFMEISTER,
MAX 1 FINANCIAL LLC, a Colorado limited liability company, and
BROOKE TALBOT,

Defendants.

ORDER

This matter is before the Court on the parties' Amended Consent Motion for Administrative Closure [Docket No. 111]. The parties seek administrative closure of this action on the following terms: (1) if plaintiffs reopen the case, the status of discovery will resume from the date the instant motion was filed; (2) if plaintiffs reopen this case, all pending motions that are currently ripe for resolution will become ripe for resolution without further action by the parties; and (3) if plaintiffs do not move to reopen this case on or before March 10, 2016, they waive any right to reopen or otherwise resume this litigation and to bring any claims in any arbitration or litigation against defendants based on the facts at issue in this case. *Id.* at 1-2.

The parties' terms for administrative closure are inconsistent with the Local Rules of this district. Specifically, the parties' second condition for administrative closure – immediate reinstatement of any currently-pending motion upon reopening of this case – is contrary to Civil Local Rule 41.2, which states that “[a]dministrative closure of a civil action terminates any pending motion” and that “[r]eopening of a civil action does not reinstate any motion.” D.C.COLO.LCivR 41.2. Given this inconsistency, the Court will not accept the parties' stated conditions for their consent to administrative closure. Accordingly, it is

ORDERED that the parties' Amended Consent Motion for Administrative Closure [Docket No. 111] is **DENIED**.

DATED December 31, 2015.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge