

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00527-RBJ-NYW

ARLENE ROSETTA-RANGEL,  
BRIAN O'CONNELL,  
GREGORY RUTSCHMAN,

Plaintiffs,

v.

STATE OF COLORADO,  
RICK RAEMISCH,  
ROGER WERHOLTZ,  
TONY CAROCHI,  
TOM CLEMENTS,  
ARISTEDES ZAVARIS,  
JOE ORTIZ,  
JOHN SUTHERS,

Defendants.

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**MINUTE ORDER**

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Entered By Magistrate Judge Nina Y. Wang

This matter comes before the court Plaintiffs' Motion to Strike Defendants' Reply to the Response to the Motion to Stay and Defendants' Reply to Response to Motion to Dismiss [#57, filed November 18, 2015], which was referred to this Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A), the Orders of Reference dated April 2, 2015 [#10] and July 13, 2015 [#37], and the Memorandum dated November 19, 2015 [#58].

Plaintiffs seek to strike Defendants' Reply to Response to the Motion to Stay Pending Resolution of the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and (6) (Doc. 49) ("Reply to the Motion to Stay") [#55] and Defendants' Reply to Response to the Motion to Dismiss the Amended Complaint (Doc. 11) Pursuant to Fed. R. Civ. P. 12(b)(1) and (6) ("Reply to Motion to Dismiss Amended Complaint") [#56]. Plaintiffs contend that the Reply to the Motion to Stay and the Reply to the Motion to Dismiss Amended Complaint are untimely, and should be stricken, because they were filed 17 days after the filing of the Response, rather than within 14 days as provided for by D.C.COLO.LCivR. 7.1(d). [#57 at 2].

This court respectfully disagrees that Defendants' Reply to the Motion to Stay and their Reply to the Motion to Dismiss Amended Complaint are untimely. The courts in this District who have been confronted with this question have uniformly determined that the additional three days for service contemplated by Rule 6(d) of the Federal Rules of Civil Procedure are added to the deadline for filing motions papers through the court's Electronic Court Filing ("ECF") system. *See C.S. v. Platte Canyon School Dist. No. 1*, No. 12-cv-03358-CMA-BNB, 2015 WL 4882312, at \*1 (D. Colo. Aug. 17, 2015) (J. Arguello); *Connolly v. Toll Bros., Inc.*, No. 15-cv-00380-KMT, 2014 WL 2345639, at \*1 (D. Colo. May 14, 2015) (M.J. Tafoya); *Lucier v. Midland Credit Mgm't, Inc.*, No. 14-cv-00847-WJM-MJW, 2014 WL 7177391, at \* 1 (M.J. Watanabe).

Plaintiffs' Response to the Motion to Stay and Response to the Motion to Dismiss the Amended Complaint were filed on October 26, 2015. [#57 at 3; #49, #50]. Under D.C.COLO.LCivR 7.1(d) and Rules 6(d) and 5(b)(2)(E) of the Federal Rules of Civil Procedure, Defendants' Replies were therefore due on or before November 12, 2015. The docket reflects that the Replies were filed on November 12, 2015 [#55, #56], and therefore, are timely.

Accordingly, **IT IS ORDERED** that Plaintiffs' Motion to Strike Defendants' Reply to the Response to the Motion to Stay and Defendants' Reply to Response to Motion to Dismiss [#57] is **DENIED**.

DATED: January 6, 2016