

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00071-REB-MEH

RAYMOND H. ARMSTRONG,

Plaintiff,

v.

VOLKSWAGEN GROUP OF AMERICA,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on March 3, 2016.

Before the Court is Plaintiff's Motion to Vacate Conditional Transfer Order [filed March 2 16, 2016; docket #24]. For reasons stated in the Court's Order granting a stay in this case [*see* docket #19], the Court **denies** the Motion.

Plaintiff's Motion indicates his opposition to the stay because he does not agree the case should be transferred to the Northern District of California, which is currently being considered by the Judicial Panel on Multidistrict Litigation [JPML]. However, as explained in this Court's previous Order, Plaintiff has already indicated to the JPML that he objects to the transfer; thus, the JPML has stayed the conditional transfer order pending its consideration of Plaintiff's objection. *See* Order, docket #19 at 1-2. The Court has no reason to alter its opinion that a stay in the action is warranted until the JPML makes its decision.

Furthermore, the Court could have denied the Motion on the basis of Plaintiff's failure to confer pursuant to D.C. Colo. LCivR 7.1(a), which states,

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 Court reminds Plaintiff of his continuing obligation in the future to comply fully with D.C. Colo. LCivR 7.1(a) or risk denial of his motions. *See Hoelzel v. First Select Corp.*, 214 F.R.D. 634, 636 (D. Colo. 2003) (because Rule 7.1(a) requires meaningful negotiations by the parties, the rule is not satisfied by one party sending the other party a single email, letter or voicemail).