

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**THOMAS E. NIDIFFER, and  
LAURIE-LYNN FRANCESE,**

**Plaintiffs,**

**v.**

**No. 22-CV-0374-MV/JHR**

**DAVID LOVATO,  
ARMANDO CAMPOS, and  
ZACHARY SISEMORE,**

**Defendants.**

**ORDER DENYING PLAINTIFFS' MOTION TO AMEND PUNITIVE DAMAGES  
WITHOUT PREJUDICE**

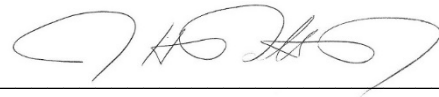
Before the Court is Plaintiffs' Motion to Amend Punitive Damages ("Motion") filed on January 18, 2023. [Doc. 58]. The Court denies the Motion without prejudice for failure to comply with the District's local rules. Plaintiffs may refile the Motion in compliance with the rule discussed below.

Motions filed in the District of New Mexico must state: (1) whether they are opposed, and (2) that the movant requested, in good faith, concurrence from the other side. D.N.M.LR-Civ. 7.1(a). Motions that do not meet these requirements can be summarily denied. *Id.* Plaintiffs' Motion does not state whether opposing parties concur, nor whether they sought concurrence. *See*

[Doc. 58]. This is the reason for the Court denying the Motion at this juncture.<sup>1</sup> Plaintiffs may file a new Motion to Amend Punitive Damages which complies with Local Rule 7.1(a).

**IT IS THEREFORE ORDERED** that Plaintiffs' Motion to Amend Punitive Damages [Doc. 58] is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**



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JERRY H. RITTER  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> If Plaintiffs refile the Motion and opposing parties concur that it should be granted, Plaintiffs must also submit a proposed order to [ritterproposedtext@nmd.uscourts.gov](mailto:ritterproposedtext@nmd.uscourts.gov). D.N.M.LR-Civ 7.2.