

DISTRICT COURT, COUNTY OF LARIMER,  
STATE OF COLORADO  
Court Address: 201 La Porte Avenue  
Fort Collins, Colorado 80521-2761  
Phone Number: (970) 494-3500

DATE FILED: February 13, 2017  
CASE NUMBER: 2016CV31096

Plaintiff: POUFRE FIRE AUTHORITY,  
v.  
Defendant: KEITH GILMARTIN.

▲ FOR COURT USE ▲

Case No. 16CV31096  
Courtroom: 3C

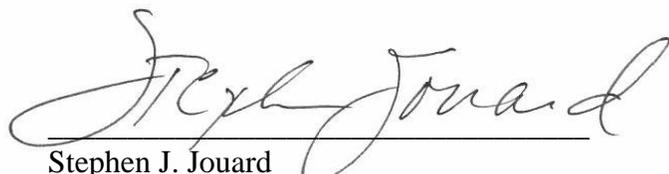
### ORDER re FAILURE TO CONFER

This matter is before the court on Defendant's Motion to Dismiss for Failure to Name Indepesible Party. The motion does not comply with C.R.C.P. 121 section 1-15(8), which requires moving counsel certify that counsel have conferred before filing the motion. Confer means talk. The court expects good faith compliance with the duty to confer, which should—except in rare circumstances—include calling or speaking in person to opposing counsel sufficiently far in advance of filing a motion so as to permit meaningful discussion. Same-day attempts to confer and electronic messages generally will not suffice. Where there is a duty to confer, the court will not consider a motion if the parties have not conferred unless there is a detailed explanation of the date, time, and circumstances of the efforts made to confer. Accordingly, the court will deny the motion with leave to file a proper certification. The opposing party's time to respond will run from the date a proper **certification is filed**.

**So ordered: February 13, 2017.**

**By the court:**



  
Stephen J. Jouard  
District Court Judge