

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 07-cv-00030-RPM-BNB

JFRCO, L.L.C., a Colorado Limited Liability Company,

Plaintiff,

v.

AHMAD PIRAYESH, individually and d/b/a Minute Cleaners;
ROSA CORRAL, individually and d/b/a Rainbow Cleaners; and
NIDIO RIOS, individually and d/b/a Rainbow Cleaners,

Defendants,

and

MICHAEL KAPATAYES a/k/a MICHEL KAPATAYES, individually and
d/b/a Rainbow Cleaners;
PETER KAPATAYES, individually and d/b/a Rainbow Cleaners;
KHRISTO KAPATAYES, individually and d/b/a Rainbow Cleaners;
KEITY KAPATAYES a/k/a KEITY ELIAS, individually and d/b/a Rainbow Cleaners;
GABY KAPATAYES, individually and d/b/a Rainbow Cleaners;

Defendants and Third-Party Plaintiffs,

v.

MAHONEY ENVIRONMENTAL CONSULTING, INC.,

Third-Party Defendant.

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT TO ADD
MOHAMMAD PIRAYESH AS ADDITIONAL DEFENDANT

On December 23, 2009, the plaintiff filed a Motion for Leave to Amend Complaint to add claims against Mohammad Pirayesh and on the same day a Motion for Extension of Time to Amend Pleadings. These motions were opposed and on January 21, 2010, the plaintiff filed a reply to the opposition indicating that the plaintiff has located Mohammad Pirayesh and personally served him on January 7, 2010, with a 42 U.S.C. § 6972 notice of alleged violation and intent to file suit. The plaintiff asserts that the long delay in the filing of the motion to amend should be excused because of the difficulty in finding the location of Mr. Mohammad Pirayesh.

Given that this civil action has now been pending in this court for three years and that the additional delays that would be caused by the addition of claims against this additional defendant would be prejudicial to the present parties, it is

ORDERED that the plaintiff's motion for leave to amend complaint is denied as untimely.

DATED: March 1st, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge

