

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE GUDRUN RICE

Civil Action No. 07-cv-00509-EWN-GJR

CHER CHAVEZ, Individually and as
Mother and Next Friend of Laura Chavez,
A Minor Child, and Bradley Chavez,
A Minor Child,

Plaintiff(s),

v.

JAMES CHARLTON,

Defendant.

ORDER DENYING MOTION TO AMEND COMPLAINT

This matter comes before the court on the Plaintiffs' Motion to Amend Complaint to add involuntary plaintiff Safeco Insurance Company of America.

For the reasons set forth below, the motion is DENIED and the amended complaint filed with the court on December 18, 2007 is NOT accepted for filing.

On December 18, 2007 the Plaintiff moved to amend the complaint in this action to add involuntary plaintiff Safeco Insurance Company of America. (Doc. 39)

The Plaintiff filed a proposed amended complaint with the court concurrent with the filing of the Motion to amend complaint. (Doc. 39-3)

By notice of objection filed with the court on January 7, 2008, (Doc. 43) Safeco Insurance Company of America advised the court of its objection to the Plaintiffs'

Motion to amend the complaint to add Safeco Insurance Company of America as an involuntary plaintiff.

Plaintiffs, in their reply to the objection filed with the court on January 22, 2008 (Doc. 45) **withdrew** their motion to amend the complaint.

Accordingly, the Plaintiffs' Motion to amend complaint to add involuntary Plaintiff Safeco Insurance Company of America is **denied** as moot. The amended complaint filed with the court concurrently with the Plaintiffs' Motion to amend is **not** accepted for filing.

DATED this 5th day of February, 2008 at Grand Junction, Colorado.

BY THE COURT:

s/Gudrun J. Rice

Gudrun J. Rice
United States Magistrate Judge