

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe

Civil Action No. 08-cv-02107-PAB-MJW

JOHN DAVIS,

Plaintiff(s),

v.

CITY OF AURORA, et al.,

Defendant(s).

MINUTE ORDER

It is hereby ORDERED that Plaintiff’s Motion for Leave to Amend Plaintiff’s First Amended Complaint (docket no. 95) is GRANTED finding good cause shown and for the following additional reasons. The Plaintiff’s Second Amended Complaint is accepted for filing as of the date of this minute order.

The court finds that on August 16, 2010, this court entered an Amendment to Scheduling Order (docket no. 108). In this Order (docket no. 108), this court extended the deadline to join parties and amend pleadings to November 1, 2010. Rule 15(a) of the Federal Rules of Civil Procedure permits pleadings to be amended “when justice so requires.” I find further no prejudice to the defendants by allowing the Second Amended Complaint since the discovery cut-off date has been extended to March 4, 2011 and the dispositive motion deadlines has been extended to April 1, 2011. See Pumpco, Inc. v. Schenker Intern., Inc., 204 F.R.D. 667, 668-69 (D. Colo. 2001) and see Order (docket no. 108). Moreover, a plaintiff may plead in the alternative in his/her complaint. See Board of County Com’rs of County of La Plata, Colorado v. Brown Group Retail, Inc., 598 F. Supp. 2d 1185, 1192-93 (D. Colo. 2009)(“It is well established that a plaintiff may seek alternative theories of recovery, even when only one of those theories could actually bear fruit at trial.”); Automobile Ins. Co. of Hartford, Conn. v. Barnes-Manley West Wash Laundry Co., 168 F.2d 381, 396087 (10th Cir. 1948).

Date: August 24, 2010
