

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 08-cv-02391-WDM-KMT

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

BOHNENKAMP CONSTRUCTION, INC.,
MICHAEL BOHNENKAMP, and
MARTHA WARNER,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before me on “Plaintiff’s Unopposed Motion to Amend First Amended Complaint” (#61, filed August 27, 2009). The Federal Rules of Civil Procedure provide that a party may amend a pleading by leave of court, and that leave shall be given freely when justice so requires. Fed. R. Civ. P. 15(a). A motion to amend may be denied on the grounds of undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962). The motion is unopposed, and the court finds no failure to cure deficiencies, undue prejudice, or futility. Therefore, the motion to amend (#61) is GRANTED. The Clerk of Court is directed file Plaintiff’s “Second Amended Complaint - Injunctive Relief Sought” (#61-2).

The “Stipulated Motion to Vacate All Deadlines Contained Within the Scheduling Order of January 20, 2009 and Set Planning/Scheduling Conference” (#60, filed August 27, 2009) is DENIED. The court finds no reason to vacate all deadlines and to hold another scheduling conference until after the new defendant has been served. The settlement conference set for September 18, 2009, has previously been vacated (#59), and no other deadlines are imminent.

The parties shall file a status report no later than ten days after service of the new defendant to advise whether a settlement conference would be beneficial and to advise the court as to the status of discovery and other deadlines.

Dated: September 3, 2009