

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02402-RPM-MJW

TRUSTEES OF THE COLORADO FINISHING TRADES HEALTH AND WELFARE FUND,
TRUSTEES OF THE COLORADO FINISHING TRADES INSTITUTE,
TRUSTEES OF THE CARPET, LINOLEUM AND RESILIENT TILE LAYERS VACATION
TRUST FUND, and
TRUSTEES OF THE RESILIENT FLOOR COVERING PENSION FUND,

Plaintiff(s),

v.

ALPINE DESIGN INTERIORS, INC., a Colorado corporation, and
ABBA BONDING, INC., an Alabama corporation,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the plaintiffs' Motion to File First Amended Complaint (**Docket No. 11**), is **denied as moot**. Defendant's response/answer (Docket No. 6) was stricken, and no responsive pleading was filed before the First Amended Complaint (Docket No. 8) was filed. Therefore, leave of court was not required in order to file the First Amended Complaint. See Fed. R. Civ. P. 15(a)(1). It is further

ORDERED that on or before January 30, 2009, defendant ABBA Bonding, Inc., through counsel shall file a response to plaintiffs' Motion to Strike Defendant Sears' Motion to Dismiss (Docket No. 21). Defendant ABBA Bonding, Inc., is hereby placed on notice that the Tenth Circuit has a "long-standing rule that a corporation must be represented by an attorney to appear in federal court." Tal v. Hogan, 453 F.3d 1244, 1254 & n.8 (10th Cir. 2006).

Date: January 8, 2009
