

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

Civil Action No. 08-cv-02648-MSK-KMT

CRESSA SULLIVAN,

Plaintiff,

v.

I-FLOW CORPORATION,
SORENSEN MEDICAL PRODUCTS, INC.,
HOSPIRA, INC.,
ABBOTT LABORATORIES,
ABBOTT LABORATORIES (ILLINOIS), and
ABBOTT LABORATORIES (DELAWARE),

Defendants.

ORDER

This matter is before the court on “Plaintiff’s Unopposed Motion to File Third Amended Complaint.” ([Doc. No. 81] [filed September 11, 2009] [hereinafter “Mot.”].) Plaintiff seeks to amend the Complaint in order to add new defendants and incorporate information obtained investigating her claims. (Mot. at 2–3.) Defendants do not oppose the Motion. (*Id.* at 1.)

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). Although the federal rules permit and require liberal construction and amendment of pleadings, the rules do not grant the parties unlimited rights of amendment. 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).

Upon review of the Proposed Amended Complaint the court finds no indication of undue delay, bad faith, prejudice to the defendant or dilatory motive on the part of the plaintiff. *See id.* Moreover, the court finds the proposed amendments are not futile. *See id.* Therefore, Plaintiff's Motion (Doc. No. 81) is **GRANTED**. The Clerk of Court is directed to file "Plaintiff's Third Amended Complaint," attached to the Motion (Doc. No. 81-2).

Dated this 21st day of September, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge