

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

Civil Action No. 08-cv-02772-MSK-MJW

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Plaintiff(s),

v.

BARRY G. GUSTAFSON,

Defendant(s).

MINUTE ORDER

It is hereby ORDERED that Defendant's Motion for Leave to Amend Answer to Include Counterclaims and Certificate of Compliance (docket no. 53) is GRANTED for the reasons stated in the subject motion (docket no. 53) and in the interest of justice. The Defendant's Answer to Plaintiff's Complaint, Affirmative Defenses, and Counterclaims (docket no. 53-2) is accepted for filing as of the date of this minute order.

Rule 15(a) provides that leave to amend "shall be freely given when justice so requires." Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment.

Based upon this standard, and substantially for the reasons stated in the motion(docket no. 53), this court finds that the proposed amendments should be permitted. The court notes that no trial date has been set in this matter. The court further notes that the discovery cut off date is October 30, 2009, the dispositive motions deadline is November 30, 2009, and the Final Pretrial Conference is set on February 25, 2010, at 9:00 a.m., in Courtroom A-502, Fifth Floor, Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado. In the event the parties believe that additional discovery is warranted in light of these amendments, they may move to extend discovery for a reasonable period and to alter any other deadlines. Thus, any prejudice that might arise from these amendments is capable of being cured.

Date: July 29, 2009
