

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Philip A. Brimmer**

Civil Case No. 09-cv-00563-PAB-BNB

JOHN MCCULLEY and  
CARMEN MCCULLEY,

Plaintiffs,

v.

KAYCEE STARKEY,

Defendant.

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**ORDER**

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On April 17, 2009, in response to this Court's order to show cause [Docket No. 16], plaintiffs filed a brief [Docket No. 17] in support of leave to file their amended complaint [Docket No. 14]. Federal Rule of Civil Procedure 15(a) instructs that "[t]he court should freely give leave 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." *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993). I find that none of the grounds listed above pertain to the instant amendment. Therefore, it is

**ORDERED** that, cause being shown, leave is GRANTED to plaintiffs. Their amended complaint and jury demand [Docket No. 14] is ACCEPTED.

DATED April 20, 2009.

BY THE COURT:

s/Philip A. Brimmer \_\_\_\_\_  
PHILIP A. BRIMMER  
United States District Judge