

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00803-REB-MEH

GREGORY A. BOHAN, a Colorado individual,

Plaintiff,

v.

DE LAGE LANDEN PUBLIC FINANCE, LLC, a Delaware corporation,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on July 15, 2009.

Defendant's Motion to Amend Counterclaim [[filed June 18, 2009; docket #21](#)] is **granted**. Under Fed. R. Civ. P. 15(a)(1)(A), "[a] party may amend its pleading once as a matter of course" before a responsive pleading is served. Pursuant to Fed. R. Civ. P. 7(a), a Motion to Dismiss is not a responsive pleading. *E.g., Hafen v. Carter*, 248 F. App'x 43, 46 (10th Cir. 2007). Thus, as Plaintiff responded to Defendant's Counterclaim with a Motion to Dismiss (still pending before the District Court at this early stage of the litigation), Defendant retains the right pursuant to Rule 15 to amend its counterclaim as a matter of course. (*See* dockets #10, 11.) Accordingly, the Court directs the Clerk of Court to enter the Answer and First Amended Counterclaim located at docket #21-2.