

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01226-WYD-KLM

RALPH RIGGS,
H. ALAN A DILL,
ROBERT A. DILL,
IRMA DILL,
HENRY E. CARTWRIGHT, and
TERRY A. CARTWRIGHT,

Plaintiffs,

v.

OMNI OIL AND GAS, INC., an Illinois corporation,
GORDON H. JOHNSON,
RONALD B. KUBICKI,
JAMES R. RENFRO, and
JOHN BARTON,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 1 2009

GREGORY C. LANGHAM
CLERK

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion for Leave to File Amended Complaint and Jury Demand** [Docket No. 22; Filed September 8, 2009] (the "Motion").

Plaintiff seeks to add three Defendants to the case.

Fed. R. Civ. P. 15(a) provides for liberal amendment of pleadings. Leave to amend is discretionary with the court. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Viernow v. Euripides Dev. Corp.*, 157 F.3d 785, 799 (10th Cir. 1998). Amendment under the rule has been freely granted. *Castleglenn, Inc. v. Resolution Trust Company*, 984 F.2d 1571 (10th Cir. 1993) (internal citations omitted). "If the underlying facts or circumstances relied upon by a [party] may be a proper subject of relief, he ought to be afforded an opportunity to test

his claim on the merits.” *Foman*, 371 U.S. at 182. “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).

The Court finds that there is no basis for denying leave to amend. Accordingly,

IT IS HEREBY ORDERED that the Motion is **GRANTED**. The Amended Complaint and Jury Demand [Docket No. 22-2] is accepted for filing as of the date of this Order.

Dated: September 30, 2009

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix