

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 09-cv-01300-ZLW-CBS

SUE ANNE MICHAELS,

Plaintiff,

v.

AKAL SECURITY, INC.,

Defendant.

ORDER

The matter before the Court is Defendant's Fed. R. Civ. P. 12(b)(7) And 19 Motion To Dismiss And Alternative Motion For Joinder (Doc. No. 5). Plaintiff's response conceded that the United States Marshals Service was a necessary party to the case.¹ Plaintiff subsequently filed Plaintiff's First Amended Complaint adding Eric Holder, Attorney General U.S. Department of Justice, as a party to the case.² Accordingly, it is

¹Doc. No. 12; June 26, 2009.

²Doc. No. 13; June 30, 2009. The amendment appears to have been done pursuant to Fed. R. Civ. P. 15(a)(2), with Defendant's motion for joinder taken as the implicit consent to amend from the opposing party. Regardless of this consent, the Court finds the amendment is the appropriate resolution to the omission of the necessary party.

ORDERED that Defendant's Fed. R. Civ. P. 12(b)(7) And 19 Motion To Dismiss
And Alternative Motion For Joinder (Doc. No. 5; June 3, 2009) is denied as moot.

DATED at Denver, Colorado, this 1st day of July, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court