

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-01680-DME-MEH

CORUM REAL ESTATE GROUP, INC.
and 1800 MARKET INVESTORS, LLC,

Plaintiffs,

v.

BLACKROCK REALTY INVESTORS INC.
and 1800 MARKET TOWER LLC,

Defendants.

ORDER GRANTING PLAINTIFFS LEAVE TO AMEND THE COMPLAINT

Plaintiffs Corum Real Estate Group, Inc. and 1800 Market Investors LLC originally filed their complaint in state court. After Defendants BlackRock Realty Advisors, Inc. and 1800 Market Tower LLC removed the matter to federal court pursuant to 28 U.S.C. § 1441, Defendants filed a motion to dismiss for failure to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12(b)(6). Defendants principally argued that the complaint did not comply with the pleading standards announced by the United States Supreme Court in Bell Atlantic Corporation v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009), which this court is bound to apply. Colorado apparently has not adopted the pleading standards articulated in those cases. See Western Innovations, Inc. v. Sonitrol Corp., 187 P.3d 1155, 1158 (Colo. Ct. App. 2008)

(recognizing that Twombly at least partially “abrogate[s]” the standard still followed by Colorado).

Therefore, because Plaintiffs are now in federal court and subject to federal pleading standards, the court concludes that justice requires granting Plaintiffs leave to amend their Complaint. See Fed. R. Civ. P. 15(a)(2) (“The court should freely give leave [to amend] when justice so requires.”). The court expresses no view as to the sufficiency of Plaintiffs’ current complaint.

Plaintiffs are hereby granted thirty (30) days to file an amended complaint, should they conclude that doing so is desirable to comply with federal pleading standards. If Plaintiffs choose to file an amended complaint, Defendants shall have twenty-one (21) days in which to file an answer or otherwise plead. If no amended complaint is filed within thirty days, the court will then rule on the pending motion to dismiss, using the pleading standard set out in Twombly and Iqbal.

Dated this 11th day of December, 2009.

BY THE COURT:

s/ David M. Ebel

U. S. CIRCUIT COURT JUDGE