

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 10-cv-00406-REB-KMT

DORIS FLETCHER,

Plaintiff,

v.

TRAVELCENTERS OF AMERICA, LLC,

Defendant.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

Plaintiff's "Motion to Amend Complaint to Name Proper Party Defendant" (Doc. No. 11, filed June 3, 2010) is GRANTED in part and DENIED in part.

Plaintiff's Motion is granted insofar as Plaintiff is permitted to amend her Complaint. Fed. R. Civ. P. 15(a)(1) provides that "[a] party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or . . . a motion under Rule 12(b), (c), or (f)." No responsive pleading or Rule 12 motion has been filed in this case; therefore Plaintiff may amend her Complaint as a matter of course. The Clerk of Court shall file the "First Amended Complaint" attached as Exhibit 1 to Plaintiff's Motion. (Doc. No. 11-1.)

Plaintiff's Motion is denied to the extent that Plaintiff seeks an order to relate the amendment back to the filing date of the original Complaint pursuant to Fed. R. Civ. P. 15(c). The court finds such relief to be improper at this juncture. Instead, the court reserves ruling on this issue until after Defendant TA Operating LLC is served with the First Amended Complaint and, even then, only if the issue is raised by Defendant in a proper motion. *See, e.g., Briggs v. Larimer County Sheriff's Dept.*, No. 05-cv-2027, 2007 WL 2175184, at \*3-4 (D. Colo. Jul. 27, 2007) (considering whether the amended complaint related back to the filing date of the original complaint for purposes of the statute of limitations on a motion for summary judgment).

Dated: June 4, 2010