

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00528-WYD-KLM

BBVA COMPASS INSURANCE AGENCY, INC.

Plaintiff,

v.

DARRELL C.R. OLSON, II;
LANCE M. OLSON,
OLSON & OLSON INSURANCE SERVICES, INC.,
STEVEN HARTLE,
MICHAEL CLARK, and
GEORGE BOWDOURIS, JR.,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Unopposed Motion for Leave to File Amended Complaint** [Docket No. 51; Filed August 2, 2010] (the "Motion").

As an initial matter, counsel is reminded that under D.C.COLO.LCivR 10.1E, all filed papers must be double-spaced. Any future pleadings filed in violation of this Rule will be stricken.

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).

Plaintiff’s Motion was filed before the expiration of the deadline for the amendment of pleadings set forth in the Scheduling Order. There is no basis for denying leave to amend. Defendant has not objected to the relief requested by Plaintiff. Accordingly,

IT IS ORDERED that the Motion is **GRANTED**.

IT IS FURTHER ORDERED that the Court accepts Plaintiff’s Second Amended Complaint for Injunctive Relief and Damages [Docket No. 51-1] for filing as of the date of this Order.

IT IS FURTHER ORDERED that the case caption shall hereafter be amended to include Kathy Luther as a Defendant.

BY THE COURT:

s/ Kristen L. Mix
United States Magistrate Judge

Dated: August 4, 2010