

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00530-ZLW-KLM

JEREMY C. GARDNER,

Plaintiff,

v.

MIAMI-YODER SCHOOL DISTRICT JT-60,
RICHARD WALTER, in his individual capacity, and
DEBBIE PAYNE, in her individual capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendants' Opposed Motion to Amend Answer** [Docket No. 34; Filed September 23, 2010] (the "Motion"). At the time of the Motion's filing, Defendants believed the Motion to be opposed. However, on October 8, 2010, Plaintiff filed a Response to the Motion [Docket No. 39]. Therein, Plaintiff noted that without waiving any objection to the newly asserted affirmative defense related to the statute of limitations, Plaintiff consents to amendment. *Response* [#39] at 1. As such, the Court considers the Motion to be unopposed. Accordingly,

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

IT IS FURTHER **ORDERED** that Defendants' Answer [Docket No. 20] is deemed to be amended to include the following affirmative defense: "¶ 10. Some or all of Plaintiff's claims may be barred by the applicable statute of limitations."

Dated: October 15, 2010