

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

Civil Action No. 10-cv-01593-REB-KMT

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

v.

ESTATE OF JEFFREY M. JOHNSON, and
LAUREL JOHNSON,

Defendants.

ORDER

This matter is before the court on the “Stipulated Motion to Amend Answer to Plaintiff’s Complaint in Interpleader” (Doc. No. 15, filed September 1, 2010). Defendant Laurel Johnson seeks to amend her answer “to clarify [her] position against American General” (Mot. at 2, ¶ 4). Plaintiff does not object.

The Federal Rules of Civil Procedure provide that a party may amend a pleading by leave of court, and that leave shall be given freely when justice so requires. Fed. R. Civ. P. 15(a). Although the federal rules permit and require liberal construction and amendment of pleadings, the rules do not grant the parties unlimited rights of amendment. A motion to amend may be denied on the grounds of undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the

opposing party by virtue of allowance of the amendment, or futility of amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Upon review of the “Amended Answer to Plaintiff’s Complaint in Interpleader,” the court finds no indication of undue delay, bad faith, prejudice to the defendant or dilatory motive on the part of the defendant. *See id.* Moreover, the court finds the proposed amendments are not futile. *See id.*

Therefore, it is

ORDERED that the “Stipulated Motion to Amend Answer to Plaintiff’s Complaint in Interpleader” (Doc. No. 15) is GRANTED. The Clerk of Court shall file the Amended Answer (Doc. No. 15-1).

Dated this 2nd day of September, 2010.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge