

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02103-PAB-KLM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

IRAQ ABADE, et al.,

Plaintiffs-Intervenors,

v.

JBS USA, LLC, d/b/a JBS Swift & Company,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Iraq Abade et al. Plaintiffs-Intervenors' ("Abade Intervenors") **Motion to Amend Complaint Pursuant to Fed. R. Civ. P. 15(a)** [Docket No. 55; Filed January 7, 2011] (the "Motion"). Neither Plaintiff nor the remaining Plaintiffs-Intervenors object to amendment. However, Defendant opposes the relief requested.

Abade Intervenors seek to amend their Complaint in Intervention [Docket No. 17] to address pleading shortcomings addressed by Defendant in its Motion to Dismiss [Docket No. 38]. No Scheduling Conference has been held in this case and no pleading amendment deadline has been set. Generally, Courts permit amendment of pleadings to address deficiencies raised in a dispositive motion. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) (noting that parties "ought to be afforded an opportunity to test [their claims] on

the merits"). Given the stage of this case, and despite Defendant's opposition to the Motion, I find that justice would be served by amendment. See Fed. R. Civ. P. 15(a); see *a/so* D.C.COLO.LCivR 7.1C. (noting that Court need not wait for a response to a motion prior to reaching its decision). Accordingly,

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

IT IS FURTHER **ORDERED** that the Amended Complaint in Intervention [Docket No. 55-1] is accepted for filing as of today's date.

IT IS FURTHER **ORDERED** that Defendant shall answer or otherwise respond to the Amended Complaint in Intervention on or before **January 25, 2011**.

Dated: January 10, 2011