

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02758-REB-KLM

DOUGLAS ADAMS, and
GAYLE ADAMS,

Plaintiffs,

v.

CLINE AGENCY, INC.,
ALLIED PROPERTY AND CASUALTY INSURANCE COMPANY,
AMCO INSURANCE COMPANY, and
NATIONWIDE MUTUAL INSURANCE COMPANY,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Motion to Submit Corrected Second Amended Complaint** [Docket No. 23; Filed December 23, 2010] ("the Motion").

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

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiffs' Corrected Second Amended Complaint [Docket No. 23-1] for filing as of the date of this Minute Order. Plaintiffs' Corrected Second Amended Complaint [#23-1] shall replace their Second Amended Complaint [Docket No. 14] filed on December 8, 2010 as the operative pleading in this case.

On December 22, 2010, Defendants AMCO Insurance Company and Nationwide Mutual Insurance Company filed an Answer [Docket No. 22] to Plaintiffs' Second Amended Complaint [#14]. Although Plaintiffs' Corrected Second Amended Complaint [#23-1] does not include any changes relating to Defendant AMCO Insurance Company or Defendant Nationwide Mutual Insurance Company, these Defendants shall file an answer or other response to the Corrected Second Amended Complaint [#23-1] on or before **January 14, 2011**.

Defendant Cline Agency, Inc. has not yet answered or otherwise responded to Plaintiffs' Second Amended Complaint [#14]. See *Affidavit of Service* [Docket No. 21] (showing that Defendant Cline Agency, Inc. was served on December 10, 2010, which

established an answer deadline of January 3, 2011). Because Plaintiffs' Corrected Second Amended Complaint [#23-1] replaces Plaintiffs' Second Amended Complaint [#14],

IT IS FURTHER **ORDERED** that Defendant Cline Agency, Inc. shall answer or otherwise respond to the Corrected Second Amended Complaint [#23-1] on or before **January 14, 2011**.

Allied Property and Casualty Insurance Company was not a named Defendant in Plaintiffs' Second Amended Complaint [#14]. See *Second Amended Complaint* [#14] (naming "Allied Insurance Company" as a Defendant). Nevertheless, Plaintiffs delivered the Second Amended Complaint [#14] to Allied Property and Casualty Insurance Company on November 16, 2010. *Affidavit of Service* [Docket No. 15]. Allied has not answered or otherwise responded to the Second Amended Complaint [#14], nor has it entered an appearance in this case. Accordingly,

IT IS FURTHER **ORDERED** that Plaintiffs shall properly serve Allied Property and Casualty Insurance Company with the Corrected Second Amended Complaint [#23-1] on or before **January 14, 2011**. Once properly served, Allied Property and Casualty Insurance Company shall file a responsive pleading pursuant to Fed. R. Civ. P. 12.

Dated: January 3, 2011