

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 10-cv-03050-REB-BNB
(Consolidated with Civil Action Nos. 10-cv-03051-REB-BNB; 11-cv-01832-REB-BNB;
11-cv-01874-REB-BNB; 11-cv-02253-REB-BNB, 11-cv-02894, and 11-cv-02895)

REGINA RESSLER, and
RANDY RESSLER,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter arises on the following:

(1) **Plaintiff Mary Beth Finnegan’s Second Amended Complaint Against Defendant United States of America** [Doc. # 137, filed 1/13/2012] (“Finnegan’s Second Amended Complaint”); and

(2) **Plaintiffs Joe & Arleyne Glasser’s First Amended Complaint Against Defendant United States of America** [Doc. # 138, filed 1/13/2012] (the “Glassers’ Amended Complaint”).

Mary Beth Finnegan commenced her action by filing a complaint on November 7, 2011. The case was designated as Civil Action No. 11-cv-02894. Ms. Finnegan filed an amended complaint on November 9, 2011. Service appears to have been completed on November 14, 2011. The United States has not responded to Ms. Finnegan’s amended complaint.

Joe and Arleyne Glasser commenced their action by filing a complaint on November 7, 2011. The case was designated as Civil Action No. 11-cv-02895. Service appears to have been completed on November 15, 2011. The United State has not responded to the Glassers' complaint.

By an Order [Doc. # 123] entered on December 16, 2011, the Finnegan and Glasser actions were consolidated in this action with other cases arising from the same airplane accident.

Finnegan's Second Amended Complaint and Glassers' Amended Complaint were filed on January 13, 2012, without leave of court and without the written consent of the United States.

Amendment of pleadings is governed by Fed. R. Civ. P. 15(a) which provides in relevant part:

(a) Amendments Before Trial.

(1) *Amending as a Matter of Course.* A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) *Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Ms. Finnegan and the Glassers may not amend their complaints as a matter of course, no written consent of the United States has been provided, and leave of court was not obtained.

IT IS ORDERED:

- (1) Finnegan's Second Amended Complaint [Doc. # 137] is STRICKEN; and
- (2) The Glassers' Amended Complaint [Doc. # 138] is STRICKEN.

Dated January 24, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge