

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01171-MEH

KANSAS WHEAT ALLIANCE, INC., and
KANSAS STATE UNIVERSITY RESEARCH FOUNDATION,

Plaintiffs,

v.

THUNDERBIRD SEED CONDITIONING, LLC,
THUNDERBIRD COMMODITIES, LLC, and
JOHN DOES 1-50,

Defendants.

**ORDER ON MOTION FOR LEAVE TO AMEND
COMPLAINT AND ADD PARTIES**

Plaintiffs have filed a Motion to Amend Complaint and Add Parties [filed September 13, 2013; docket #66]. The Motion was initially opposed, but on October 15, 2013, the Thunderbird Defendants filed their Response in which they do not oppose the requested relief.

Rule 15 of the Federal Rules of Civil Procedure provides that, following a 21-day period for service of the complaint or service of a responsive pleading or Rule 12 motion, a party may amend its complaint only by leave of the court or by written consent of the adverse party. Fed. R. Civ. P. 15(a) (2011). Rule 15 instructs courts to “freely give leave when justice so requires.” *Id.* Nevertheless, denying leave to amend is proper if the proposed amendments are unduly delayed, unduly prejudicial, futile, or sought in bad faith. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993).

Because Plaintiffs’ Motion is unopposed and has the written consent of the adverse party, it is **granted**. The Clerk of the Court is directed to file the Second Amended Complaint found at docket #66-1. Defendants shall respond to the Second Amended Complaint in accordance with Fed.

R. Civ. P. 15 and all applicable local and federal rules.

Dated at Denver, Colorado this 17th day of October, 2013.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large, looped initial "M".

Michael E. Hegarty
United States Magistrate Judge