

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01956-REB-MEH

PATRICK COLLINS, INC.,

Plaintiff,

v.

GAIL GONZALEZ,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on January 23, 2013.

Plaintiff's Motion for Leave to File Second Amended Complaint [filed January 21, 2012; docket #24] is **granted in part and denied without prejudice in part**. Plaintiff seeks to file a Second Amended Complaint naming only Ms. Gonzalez as a defendant and to substitute an exhibit incorrectly filed with the First Amended Complaint.

First, Plaintiff's request to file a Second Amended Complaint, as the Court understands it, seeks relief that would be duplicative of the current operative pleading. According to the record and contrary to Plaintiff's assertion, Defendant John Doe #7 was not named in the First Amended Complaint, but rather was specifically omitted from the caption in the amended pleading. As such, the Clerk of the Court is directed to remove John Doe #7 from the caption on the docket sheet in this case.

After Plaintiff dismissed the identified John Doe Defendants from the First Amended Complaint, Ms. Gonzalez is the only remaining Defendant in this case. Therefore, it appears that filing a Second Amended Complaint naming only Ms. Gonzalez would be duplicative of the operative pleading.

Second, Plaintiff's request to substitute the attached Exhibit A with the "Exhibit A" filed with the First Amended Complaint is granted. The Clerk of the Court shall strike Exhibit A to the First Amended Complaint (docket #15-1) and file Exhibit A attached to the present motion (docket #24-2).