

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02365-WJM-KLM

CLAYBORN CARRIKER, husband, and
DORIS CARRIKER, wife,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, COLORADO, including its Denver International Airport Facility,
ISS FACILITY SERVICES, INC., and
JOHN DOE(S), former and current Administrators of any Airport facility maintained, operated, or controlled by the City & County of Denver or the Denver International Airport, or ISS Facility Services, Inc. in their Official and Individual Capacities,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the **Motion to Strike Plaintiffs' Second Amended Complaint** [Docket No. 28; Filed November 16, 2012] (the "Motion") filed by Defendants City and County of Denver, Manager of Aviation Kim Day and Deputy Manager of Aviation for Facilities Management Dave LaPorte. Plaintiffs have not filed a response and the time to do so has expired. See D.C.COLO.LCivR 7.1C.

Plaintiffs filed a Second Amended Complaint [#20] on November 6, 2012. They previously filed an Amended Complaint [#11] on October 5, 2012. Pursuant to Fed. R. Civ. P. 15(a)(1), Plaintiffs may amend their pleading "once as a matter of course" within specified time limits. "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P 15(a)(2). Here, because Plaintiffs previously amended their complaint, they were required to obtain Defendants' written consent or seek leave of court before filing their Second Amended Complaint, which they did not do. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#28] is **GRANTED** and that the Clerk of Court shall strike Plaintiffs' Second Amended Complaint [#20].

Dated: December 20, 2012