

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02420-MSK-CBS

KRISTIN MCINTOSH,
Plaintiff,

v.

PUFF N STUFF, LLC, a Colorado limited liability company d/b/a Puff n Stuff, and
KKS LLC, a Colorado limited liability company,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on: (1) Plaintiff's Motion for Leave of the Court to Amend the Complaint; and (2) Defendant KKS LLC's Motion to Dismiss. Pursuant to the Order Referring Case dated September 28, 2012 (Doc. # 4) and the memoranda dated October 30, 2012 (Doc. # 12) and November 1, 2012 (Doc. # 13), these matters were referred to the Magistrate Judge. On November 20, 2012, Defendant KKS responded to Plaintiff's Motion that it "does not oppose Plaintiff's motion in that it removes the state law claim ("Count II" in Plaintiff's original complaint)," reserving "the right at the appropriate juncton, including without limitation at the conclusion of this case, to seek attorney fees, costs, and other relief" (See Doc. # 16 at 1, 3-4 of 5). The court having reviewed the Motion, the pleadings, the entire case file, and the applicable law and being sufficiently advised in the premises, IT IS ORDERED that:

1. Plaintiff's Motion for Leave of the Court to Amend the Complaint (filed October 30, 2012 (Doc. # 11) is GRANTED and the Amended Complaint (Doc. # 11-1) is accepted for filing as of the date of this Order. The Clerk of the Court shall docket Doc. # 11-1 as the Amended Complaint.
2. Defendant KKS LLC's Motion to Dismiss (filed October 24, 2012) (Doc. # 9) is

DENIED as moot in light of the filing of the Amended Complaint. Defendants shall answer or otherwise respond to the Amended Complaint on or before January 17, 2013.

DATED at Denver, Colorado, this 3rd day of January, 2013.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge