

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00041-MSK-MEH

JONATHAN D. STAPP and
RAE M. STAPP,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION, d/b/a ERA Mortgage,

Defendant.

MINUTE ORDER

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

The Plaintiffs' (Unopposed) Motion for Leave to Amend Complaint [filed August 30, 2013; docket #22] is **granted**.¹ 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.*

On June 14, 2013, the Court granted the Joint Motion to Amend the Civil Scheduling Order (docket #21), which extended the deadline for amendment of pleadings through and including August 30, 2013. The Plaintiffs abided by that deadline. Further, this is the Plaintiffs' First Motion to Amend, and there appears to be no reason to deny the Motion, particularly where the Defendant does not oppose it. *See Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993) ("Refusing a leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment.").

Accordingly, the Clerk of the Court is directed to file Plaintiffs' First Amended Complaint, which is attached to the Plaintiffs' Motion as Exhibit 1 (docket #22-1). The Defendant shall respond to the Second Amended Complaint in accordance with Fed. R. Civ. P. 15 and all applicable local and federal rules.

¹ When the Plaintiffs filed the Motion on August 30, 2013, the Defendant opposed the Motion. The Defendant's Response to the Plaintiffs' Motion (filed September 20, 2013; docket #24), stated that, "after review of the motion and in light of the case posture, it does not object to the amendment[.]" Thus, the Motion is unopposed.