

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00201-RM-KLM

HILLARY VALLES,

Plaintiff,

v.

GEN-X ECHO B, INC, d/b/a GENX and
MARTIN COLLAZO RANGEL,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Unopposed Motion to File Second Amended Complaint and Join Additional Parties** [Docket No. 24; Filed June 28, 2013] (the "Motion"). Plaintiff represents that Defendants do not oppose the Motion. The Scheduling Order [#19] governing this case provides that the deadline for joinder of parties and amendment of pleadings was June 29, 2013. *Scheduling Order* [#19] at § IX(a). Accordingly, Plaintiff's Motion is timely.

The Court has discretion to grant a party leave to amend its pleadings. *Foman v. Davis*, 371 U.S. 178, 182 (1962); see Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave when justice so requires."). "In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc. – the leave

sought should, as the rules require, be “freely given.” *Id.* (quoting Fed. R. Civ. P. 15(a)(2)). Potential prejudice to a defendant is the most important factor in considering whether a plaintiff should be permitted to amend its complaint. *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1207 (10th Cir. 2006). “Courts typically find prejudice only when the [proposed] amendment unfairly affects the defendants in terms of preparing their defense to [claims asserted in the] amendment.” *Id.* (quotation omitted).

After carefully reviewing Plaintiff’s original Complaint [#1] and proposed Amended Complaint [#23], the Court agrees with Plaintiff that “no one will be prejudiced by this amendment.” *Motion* [#24] at 2. Defendants do not oppose the Motion which indicates that they do not perceive any prejudice to them if the Motion is granted. Moreover, this case is still in its early stages, and Defendants have ample time to prepare their defenses. The deadline for the completion of discovery is more than three months away, and the deadline for filing dispositive motions is November 29, 2013.

The Court also finds that Plaintiff has demonstrated good cause for amending her original Complaint [#1]. Plaintiff seeks to amend the Complaint to name additional parties, information Plaintiff was provided by Defendants’ counsel. *Motion* [#24] at 1. Permitting such amendment will benefit the parties and the Court by clarifying the issues in the case.

For the foregoing reasons, and considering that leave to amend should be freely given,

IT IS HEREBY **ORDERED** that the Clerk of the Court shall accept Plaintiff’s Amended Complaint [#23] for filing as of the date of this Order.

IT IS FURTHER **ORDERED** that Defendants Gen-X Echo B, Inc. and Martin Collazo

Rangel shall answer or otherwise respond to the Amended Complaint on or before **July 24, 2013**.

Dated: July 2, 2013

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge