

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 13-cv-00363-RPM

GINA HOLUB,

Plaintiff,

v.

CHRIS GDOWSKI,  
SHELLEY BECKER,  
MARK HINSON, and  
ADAMS 12 FIVE STAR SCHOOLS,

Defendants.

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ORDER GRANTING MOTION TO FILE SECOND AMENDED COMPLAINT

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On September 16, 2013, the plaintiff filed a Motion for Leave to File Second Amended Complaint to add Norm Jennings as a defendant on a claim of defamation based on statements made publicly on a radio talk show. The defendants filed a response to the motion on October 4, 2013, asserting that the allegations are insufficient to support a claim for willful and wanton conduct to be an exception to the immunity provided by the Colorado Governmental Immunity Act. C.R.S. § 24-10-101, *et seq.* Willful and wanton conduct as Colorado law provides, includes recklessness without regard to the rights of others and that has been sufficiently pleaded and is supported by the testimony of Mr. Jennings in his deposition. The defendants' response to the motion to amend asserts futility based on the contention that the allegations would not survive a motion to dismiss. This Court disagrees. Accordingly, it is

ORDERED that the motion to file second amended complaint is granted and the second amended complaint is filed as of this date.

Dated: October 9<sup>th</sup>, 2013

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge