

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-01716-WJM-BNB

ANGELIA MCGOWAN,

Plaintiff,

v.

BOARD OF TRUSTEES FOR METROPOLITAN STATE UNIVERSITY OF DENVER,
CATHERINE LUCAS, an individual and
DONNA FOWLER, an individual,

Defendants.

ORDER

This matter arises on the following papers filed by the parties:

(1) **Defendant Board of Trustees of Metropolitan State University of Denver's Motion to Dismiss for Insufficient Service of Process or in the Alternative Motion to Quash Service of Process** [Doc. #15, filed 02/26/2014] ("Defendant's Motion");

(2) **Plaintiff's Motion for Leave to File Response and Opposition to Defendant Board of Trustees of Metropolitan State University of Denver's Motion to Dismiss for Insufficient Service of Process or in the Alternative Motion to Quash Service of Process** [Doc. #20, filed 03/11/2014] ("Plaintiff's Motion"); and

(3) The plaintiff's **Notice of Amended Complaint** [Doc. #21, filed 03/11/2014].

The plaintiff filed her initial Complaint on June 28, 2013 [Doc. #1]. The initial Complaint names as defendants the Board of Trustees of Metropolitan State University of Denver, Catherine Lucas, and Donna Fowler. The Defendant's Motion seeks dismissal of the

initial Complaint under Fed. R. Civ. P. 12(b)(5) for insufficient service of process or, in the alternative, an order quashing service. The Plaintiff's Motion seeks leave to respond to the Defendant's Motion. The plaintiff's Notice of Amended Complaint contains an Amended Complaint, which names as the sole defendant the Board of Trustees of Metropolitan State University of Denver. On March 31, 2014, the Board of Trustees of Metropolitan State University of Denver filed an Answer [Doc. #26] and a motion to dismiss [Doc. #27] Claims Two and Three of the Amended Complaint. Accordingly,

IT IS ORDERED:

- (1) Defendant Board of Trustees of Metropolitan State University of Denver's Motion to Dismiss for Insufficient Service of Process or in the Alternative Motion to Quash Service of Process [Doc. #15] is DENIED AS MOOT;
- (2) Plaintiff's Motion for Leave to File Response and Opposition to Defendant Board of Trustees of Metropolitan State University of Denver's Motion to Dismiss for Insufficient Service of Process or in the Alternative Motion to Quash Service of Process [Doc. #20] is DENIED AS MOOT; and
- (3) The Clerk of the Court shall accept the plaintiff's Amended Complaint [Doc. #21-1] for filing.

Dated April 1, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge