

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01930-MEH

WYATT T. HANDY, JR.,

Plaintiff,

v.

TRACY DOUGLAS,
BARBARA REYMAN,
TAMERA COOPER,
BOBBY BONNER,
GREG WILKINSON, and
UNKNOWN SHIFT COMMANDER/DUTY OFFICER,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 7, 2014.

In the interest of justice, Plaintiff's renewed Motion to Amend Complaint [filed October 7, 2014; docket #25] is **granted in part and denied in part**. The Court will accept the addition of proposed tort claims,¹ but a "claim" of respondeat superior does not exist; rather, it is a theory of liability. *Stokes v. Denver Newspaper Agency, LLP*, 159 P.3d 691, 693 (Colo. App. 2006) ("Under the respondeat superior doctrine, an employer is liable for torts of an employee acting within the scope of employment."). Accordingly, the Plaintiff is directed to file his proposed "Second Amended Complaint" (titled as such) **excluding** "Claim Six" for respondeat superior. Defendants Douglas, Reyman, Bonner and Wilkinson, who have been served and whose counsel has appeared in this case, shall file an answer or other response to the Second Amended Complaint on or before November 17, 2014. The Plaintiff shall serve the remaining Defendants with the Second Amended Complaint pursuant to Fed. R. Civ. P. 4.

¹Nothing in this order should be construed to preclude defenses to such claims pursuant to Fed. R. Civ. P. 12 or other applicable rules or case law.