

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-02531-RM-NYW

JEFFREY HULSE, *et al.*,

Plaintiffs,

v.

ADAMS COUNTY, COLORADO, *et al.*,

Defendants.

ORDER

This matter is before the Court on the parties' Stipulated Motion To Dismiss ("Motion") (ECF No. 102), requesting the dismissal of some claims by some Plaintiffs against some Defendants. It appears that no party and no claim are completely dismissed from this case.

The Motion is filed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), but in *Gobbo Farms & Orchards v. Poole Chem. Co., Inc.*, 81 F.3d 122, 123 (10th Cir. 1996), in the context of the dismissal of one claim in a single defendant action, the Tenth Circuit Court of Appeals stated that Rule 41(a)(1)(A)(ii) "speaks to dismissal of an action, not just a claim within an action. [Plaintiff] offers no authority, and we have found none, to support its contention that Rule 41(a) applies to dismissal of less than all claims in an action." Rule 15(a), however, permits a party to amend his or her pleadings with the opposing parties' written consent or the court's leave. Such

amendments, however, must also satisfy other requirements. *E.g.*, D.C.COLO.LCivR 15.1 (requiring the filing of an amended pleading with strike-through and redlines).

Upon the consideration of the facts and circumstances of this case, the Court construes the Motion as a request to allow an amendment by deleting certain claims against certain Defendants. The Court will not require the parties to file a redlined/strike-through amended complaint. However, the Court will require the parties to file a status report setting forth: (1) as to each Plaintiff, the claims at issue and against which Defendant each claim is directed; and (2) the effect of the amendment on the Partial Motion to Dismiss Plaintiffs' Amended Complaint (ECF No. 46), the Recommendation of United States Magistrate Judge (ECF No. 85), and the Objection (ECF No. 90), *e.g.*, whether any of the issues are now moot. It is therefore

ORDERED

- (1) That the Stipulated Motion To Dismiss (ECF No. 102) is **GRANTED**; and
- (2) That on or before **Friday, March 4, 2016**, the parties shall file a **status report** setting forth the following: (i) as to each Plaintiff, the claims at issue and against which Defendant each claim is directed; and (ii) the effect of the amendment on the Partial Motion to Dismiss (ECF No. 46), the Recommendation of United States Magistrate Judge (ECF No. 85), and the Objection (ECF No. 90).

DATED this 25th day of February, 2016.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge