

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02554-WYD-MJW

SETH KAPLAN,

Plaintiff(s),

v.

NEW PENN FINANCIAL, LLC d/b/a SHELLPOINT MORTGAGE SERVICING, f/k/a
RESURGENT MORTGAGE SERVICING,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Amend Complaint (docket no. 19) is GRANTED for the following reasons. The Amended Complaint and Jury Demand (docket no. 19-1) is ACCEPTED for filing as of this date of this minute order.

Plaintiff filed his Motion to Amend Complaint (docket no. 19) with the court on January 5, 2015. The subject motion (docket no. 19) was filed timely, noting that this court set the deadline to amend the pleadings or join additional parties on January 5, 2015. See paragraph no. 9 a. in the Scheduling Order (docket no. 16). In addition, the discovery cut-off date is April 16, 2015, and the dispositive motion deadline is May 15, 2015. The final pretrial conference is set for July 6 28, 2015, and Judge Daniel has not set a trial date as of the date of this minute order. See Scheduling Order (docket no. 16). I find no prejudice to Defendants. Moreover, I find that good cause has been demonstrated by Plaintiff to allow for his amended complaint to be filed. Lastly, Rule 15(a) of the Federal Rules of Civil Procedure provides that "[t]he court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). "Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment." Frank v. U.S. West, Inc., 3 F.3d 1357, 1365 (10th Cir. 1993) (citations omitted). For these reasons, the subject motion (docket no. 19) should be granted.

Date: February 18, 2015
