

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

Civil Action No. 14-cv-02592-BNB

WILLIAM J. LAURIENTI, and
PATRICIA A. LAURIENTI,

Plaintiffs,

v.

REGGIE BICHA, Executive Director, Colorado Department of Human Services,
KATHY NESBITT, Executive Director, Colorado Department of Personnel and Administration,
PAULETTE ST. JAMES, Director, Child Support Enforcement Division, Colorado Department
of Human Services, and
SANDRA ANDERSON, Paralegal, Mesa County Child Support Enforcement Unit,

Defendants.

ORDER

This matter arises on the following:

- (1) **Defendants Mesa County Child Support Enforcement Unit and Sandra Anderson's Motion to Dismiss Plaintiffs' Complaint** [Doc. # 4, filed 9/18/2014] (the "County Defendants' Motion to Dismiss");
- (2) **Plaintiffs' Second Motion for Leave to File Amended Complaint and Memorandum of Law In Support** [Doc. # 5, filed 9/18/2014] (the "Second Motion to Amend");
- (3) **Defendant Mesa County Child Support Enforcement Unit's Motion for Dismissal** [Doc. # 23, filed 12/4/2014] (the "Mesa County's Motion to Dismiss"); and
- (4) The plaintiffs' **Unopposed Motion to File Amended Complaint** [Doc. # 28, filed 12/23/2014] (the "Unopposed Motion to Amend").

Rule 15(a)(2), Fed. R. Civ. P., provides that, other than as allowed under Rule 15(a)(1), “a party may amend its pleading only with the opposing party’s written consent or the court’s leave” and that amendment should be allowed “freely . . . when justice so requires.” Although all parties have not consented in writing to the Unopposed Motion to Amend, it is nonetheless unopposed. Filing of the Amended Complaint [Doc. # 28-2] will render moot the remaining motions.

IT IS ORDERED:

(1) The Unopposed Motion to Amend [Doc. # 28] is GRANTED, and the Clerk of the Court is directed to accept for filing the Amended Complaint [Doc. # 28-2].

(2) The County Defendants’ Motion to Dismiss [Doc. # 4], plaintiffs’ Second Motion to Amend [Doc. # 5], and Mesa County’s Motion to Dismiss [Doc. # 23] are DENIED as moot.

(3) The case caption is modified as indicated above.

(4) The status conference set for tomorrow (January 7, 2015) at 4:00 p.m., shall proceed as scheduled with all counsel appearing in person. Counsel shall be prepared to execute the Consent Form, either consenting or not to have the case proceed before a magistrate judge for all proceedings, including trial, and to order the entry of a final judgment.

Dated January 6, 2015.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge