

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02625-MEH

ALFRED TRUJILLO, and
JOE L. RIVAS, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

MACHOL & JOHANNES, LLC,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on August 5, 2015.

The Joint Motion to Sever [[filed August 3, 2015; docket #30](#)] is **granted**. Plaintiff Alfred Trujillo and Defendant have reached an agreement to settle the case on a class-wide basis. Motion, docket #30 at 1. However, the agreement may not be presented to the Court without involvement of Plaintiff Joe L. Rivas, who ceased communicating with attorneys months ago and allegedly refuses to sign the settlement agreement. *Id.* at 1-3.

The Court held a hearing in May to discuss whether to allow Plaintiff Rivas's attorneys to withdraw from representing him. *See* dockets ## 23-25. Mr. Rivas did not appear at that hearing, and the Court allowed his attorneys to withdraw. *See* docket #24-25. Plaintiff Trujillo and Defendant then filed a motion to strike Plaintiff Rivas from the case, which the Court denied without prejudice for failure to cite relevant authority. *See* dockets ##27-28. The present Motion cures the previous deficiencies, providing proper authority to the Court under Fed. R. Civ. P. 21, which allows the Court to sever a party.

As such, the Court directs the Clerk of Court to **sever** Plaintiff Rivas from the above-captioned case and **assign** a new case number for Plaintiff Rivas. Furthermore, Plaintiff Rivas is **ordered** to file an amended complaint using the new case number on or before **August 25, 2015**. The Court notes that failure to file an amended complaint by that date may result in dismissal of Plaintiff Rivas's case.