

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 16-cv-02915-PAB-KLM

MICHAEL CORNELL and
LAUREN RODRIGUEZ,

Plaintiffs,

v.

DENVER C.A.R.E.S., a behavioral health facility operated by Denver Health Medical Center/Denver Health and Hospital Authority,
DENVER POLICE DEPARTMENT,
ROBERT C. WHITE, Denver Police Chief,
JOHN DOES #1 AND #2, officers of the Denver Police Department,
BILL BURMAN, M.D., Chief Executive Officer, Denver Health Medical Center,
NICOLE MCLEAN,
FIRST NAME UNK. PORTILLO,
RENE MISELA, and
AVA WALSTON,

Defendants.

MINUTE ORDER

This matter is before the Court on Plaintiffs' Partially Unopposed Motion for Extension of Time to File Responses to Defendants' Motions to Dismiss and to Extend Time to File Amended Complaint Pursuant to Fed. R. Civ. P. 15(a)(1)(B) [Docket No. 43]. Plaintiffs seek an extension of time to respond to defendants' motions to dismiss and to amend their complaint as a matter of course to respond to the arguments raised in defendants' motions to dismiss regarding the sufficiency of the pleadings. Docket No. 43 at 2, ¶ 5. Defendants oppose only plaintiffs' request to extend the deadline to amend as a matter of course. Docket No. 44.

The Court's practice standards provide:

Rule 12(b) motions are discouraged if the defect is correctable by the filing of an amended pleading. Counsel should confer prior to the filing of the motion if the deficiency is correctable by amendment (e.g., failure to plead fraud with specificity) and should exercise their best efforts to stipulate to appropriate amendments.

Practice Standards (Civil Cases), Judge Philip A. Brimmer § III.F.2.a. *see also* 6

Charles Alan Wright & Arthur Miller, *Fed. Prac. & Proc. Civ.* § 1480 (3d ed. 1998) ("The purpose of the amendment-as-of-right provision is to avoid judicial involvement in the pleading process when there is little reason for doing so."). Good cause appearing, the Court will grant the requested extension to amend or respond.

Accordingly, it is

ORDERED that Plaintiffs' Partially Unopposed Motion for Extension of Time to File Responses to Defendants' Motions to Dismiss and to Extend Time to File Amended Complaint Pursuant to Fed. R. Civ. P. 15(a)(1)(B) [Docket No. 43] is **GRANTED**.

Plaintiffs may file an amended complaint as a matter of course or respond to defendants' motions to dismiss on or before May 1, 2017.

DATED April 13, 2017.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge