|  |  |
| --- | --- |
| ADAMS COUNTY DISTRICT COURT, STATE OF COLORADO  Court Address: 1100 Judicial Center Drive D  Brighton, Colorado 80601 FI  Phone Number: 303-659-1161 C | TE FILED: August 29, 2017 5:0 LING ID: 9AE005562EE97  SE NUMBER: 2017CV31051 |
| Plaintiff: |  |
| **CARA DOLAN** | Court Use Only |
| v. |  |
| Defendant: |  |
| **PALMER HALINA, LCM PROPERTY MANAGEMENT, INC., and ALPINE VISTA OWNERS ASSOCIATION, INC.** |  |
| David Krivit, #25916  BACHUS & SCHANKER, L.L.C.  1899 Wynkoop Street, Suite 700  Denver, Colorado 80202 Attorneys for Plaintiff  Phone Number: (303) 893-9800  Fax Number: (303) 893-9900  E-mail address: [dkrivit@coloradolaw.net](mailto:dkrivit@coloradolaw.net) | Case Number: 17CV31051 Courtroom: W |
| **STATUS REPORT AND PLAINTIFF’S MOTION TO AMEND COMPLAINT AND JOIN DEFENDANT PALMER HALINA** | |

A 8 PM

A

COMES NOW the Plaintiff, by and through her attorneys, Bachus & Schanker, L.L.C., and hereby submits this Status Report and Motion to Amend the Complaint to Join Palmer Halina as a Defendant. In support thereof, Plaintiff states as follows:

1. This case arises from a slip and fall on February 1, 2016, at a condominium located at: 8855 Lowell Way, Westminster, CO 80031 (“the Incident”).
2. On June 30, 2017, Plaintiff filed her original Complaint with this Court, incorrectly identifying the Incident location.
3. Plaintiff also seeks to add and additional Defendant, Palmer Halina, whom Plaintiff believes is the owner of the condominium.
4. Pursuant to C.R.C.P. 15, Plaintiff seeks to amend her Complaint and to join Palmer

Halina as a Defendant in this matter. Plaintiff seeks to assert claims of Negligence and Statutory Premise Liability against Defendant Palmer Halina. A copy of Plaintiff’s First Amended Civil Complaint and Jury Demand is attached as Exhibit 1 and is being filed contemporaneously with this Motion.

1. C.R.C.P. 15 provides:
   1. **Amendments.** A party may amend his pleading once as a matter of course at any time before a responsive pleading is filed or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, he may so amend it any time within twenty days after it is filed. Otherwise, a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

C.R.C.P. Rule 15 (Emphasis added).

1. C.R.C.P. 15(a) “prescribes a liberal policy of amendment and encourages the courts to look favorably on requests to amend.” *Eagle River Mobile Home Park, Ltd. v. Dist. Court,* 647 P.2d 660, 662 (Colo. 1982).
2. Furthermore, allowing Plaintiff to amend her Complaint will not result in any unfair prejudice to Defendants.
3. Plaintiff respectfully requests that this honorable Court grant her Motion to Amend her Complaint and to Join Palmer Halina as a Defendant.
4. Plaintiff requests that this Court deem the attached First Amended Complaint (Exhibit

1) filed as of the date of this Motion, August 29, 2017.

1. Plaintiff further seeks to amend the case caption in this matter to add Palmer Halina as a named Defendant.

WHEREFORE, Plaintiff respectfully requests that this honorable Court grant her Motion to Amend her Complaint and to Join Palmer Halina as a Defendant.

DATED: August 29, 2017.

BACHUS & SCHANKER, L.L.C.

*s/ David W. Krivit*

David W. Krivit, Esq.

*Attorneys for Plaintiff*