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| DISTRICT COURT, COUNTY OF JEFFERSON, STATEDOATFE  FILING  COLORADO CASE N  100 Jefferson County Parkway Golden, Colorado 80401  Plaintiff: LELAND ROMERO, an individual v.  Defendant: JOSEPH M. FLOREZ, IV, d/b/a ALL AMERICAN RENOVATIONS AND DEMOLITIONS, a  Colorado limited liability company, v.  Additional Counterclaim Defendants: LELAND ROMERO, in his capacity as personal representative for the Estate of Leland Augustine Noeland; COMPLETE SYSTEMS, INC., a Colorado corporation; BAYVIEW LOAN SERVICING, LLC, a Florida limited liability company; REMEDY ROOFING INC., a Texas corporation; MARGARET T. CHAPMAN, in her official capacity as Public Trustee for Jefferson County, CO  Attorneys for Plaintiff/Counterclaim Defendant Leland Romero:  Joshua R. Proctor, #33835 Andrew L. Shively, #43526 Proctor Brant, P.C.  4B Inverness Court East, Suite 110 Englewood, Colorado 80112  Telephone: (303) 768-8240 [jproctor@proctorbrant.com](mailto:jproctor@proctorbrant.com)  [ashively@proctorbrant.com](mailto:ashively@proctorbrant.com) | ILED: January 16, 2018 4:23 PM  ID: F3EDE3BCEB7B7 UMBER: 2017CV372  **▲COURT USE ONLY▲**  Case Number: 2017CV372 Division: 5 |
| **PLAINTIFF’S UNOPPOSED MOTION TO AMEND COMPLAINT** | |

Plaintiff, Leland Romero, by and through his attorneys, Proctor Brant, P.C., hereby submits his Unopposed Motion to Amend Complaint, and states as follows:

# C.R.C.P. 121, § 1-15(8) Certification

Prior to filing this motion, undersigned counsel conferred with counsel for Defendant regarding the requested relief. This motion is unopposed.

# Legal Authority and Argument

Leave to amend a pleading “shall be freely given when justice so requires.” C.R.C.P. 15(a). Under C.R.C.P. 15(a), “a party may amend his pleading… by written consent of the adverse party.” Rule 15(a) encourages trial courts to look favorably upon motions to amend. The general policy underlying the rules of procedure is that they “shall be liberally construed to secure the just, speedy, and inexpensive determination of every action.” C.R.CP. 1. “[T]he purpose of justice is best served not by treating originals as sacrosanct, but rather by permitting the parties to ensure that the issues, as ultimately framed, represent the parties’ true positions.” *Brown v. Schumann*, 575 P.2d 443, 445 (1978).

Unless otherwise provided, C.R.C.P. 16(b)(8) provides that amendments to pleadings should be made no later than 105 days (15 weeks) after the case is at issue. This action was filed on November 8, 2017, which was less than 10 weeks ago, and trial is not yet scheduled. Additionally, formal discovery has not yet begun.

Here, although not necessarily required, Mr. Romero seeks to file an amended complaint that provides more specificity concerning his claims against Defendant for removal of a mechanics’ lien, breach of contract, and unjust enrichment.

Defendant has been on notice that Mr. Romero was asserting these claims based upon allegations made in the original complaint. *See* Complaint, filed November 8, 2017.

As such, Plaintiff requests the Court permit him to amend his complaint to add more specificity to his claims.

No party will be unduly prejudiced by the requested amendment. As noted above, the relief requested is unopposed.

WHEREFORE, Plaintiff respectfully requests this Court GRANT his Motion to Amend Complaint, and for any such further relief this Court deems proper.

Dated: January 16, 2018.

Respectfully submitted, PROCTOR BRANT, P.C.

***Original signature on file at the offices of PROCTOR BRANT, P.C.***

By: /s/ *Joshua R. Proctor*

Joshua R. Proctor, #33835 Andrew L. Shively, #43526

Attorneys for Plaintiff Leland Romero

# CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2018 a true and correct copy of the foregoing

**PLAINTIFF’S UNOPPOSED MOTION TO AMEND COMPLAINT** was e-filed through

COLORADO COURTS E-FILING and served electronically on the following:

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*Attorneys for Defendant*

*Original signature on file at the offices of PROCTOR BRANT, P.C.*

By: /s/ *Joshua R. Proctor*