

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge David L. West**

**Civil Action No. 11-CV-01687-PAB-DLW**

**VIESTI ASSOCIATES, INC.**

**Plaintiff,**

**v.**

**PEARSON EDUCATION, INC.,  
and JOHN DOES 1 through 10,**

**Defendants.**

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**ORDER RE: UNOPPOSED MOTION FOR LEAVE TO  
FILE FIRST AMENDED COMPLAINT [Doc. #58]**

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Plaintiff has filed [Doc. #58] an Unopposed Motion for Leave to File First Amended Complaint which was referred to the Magistrate Judge by Judge Philip A. Brimmer on April 12, 2012.

The Plaintiff has shown good cause for modification of the Scheduling Order under Fed. R. Civ. P. 16(b). The good cause shown involves the death of Plaintiff's first counsel and the disarray of the file.

The Court finds that there is no showing of undue delay, bad faith or dilatory motive on the part of the Plaintiff and that justice requires the granting of Plaintiff's request for leave to amend its Complaint, therefore:

**IT IS HEREBY ORDERED** that Plaintiff's Unopposed Motion for Leave to File First Amended Complaint [Doc. #58] is **GRANTED**.

**DATED: April 13, 2012**

**BY THE COURT:**

**s/David L. West**  
**United States Magistrate Judge**

**NOTICE: Pursuant to Fed. R. Civ. P. 72(a), “[w]ithin 14 days after being served with a copy of the magistrate’s order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge’s order to which objection was not timely made. The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge’s order found to be clearly erroneous or contrary to law.” See 28 U.S.C. § 636(b)(1)(A) (“a judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate’s order is clearly erroneous or contrary to law.”).**