IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02640-REB-KMT
(consolidated with Civil Action No. 13-cv-02976-REB-KMT)

WYERS PRODUCTS GROUP, INC. et al.,

Plaintiffs,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

CEQUENT PERFORMANCE'S RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Cequent Performance Products, Inc. ("Performance") now responds to Wyers Products Group, Inc.'s and Phillip W. Wyers' (collectively, "Wyers") Unopposed Motion for Leave to File Second Amended Complaint [#128].

On March 18, 2014, Wyers filed its motion that seeks to add, through amendment of the complaint, Cequent Consumer Products, Inc. ("Consumer") as a new defendant in addition to Performance. Consumer and Performance are separate and distinct corporate entities. Consumer is an Ohio corporation that is headquartered in Ohio, and Performance is a Delaware corporation that is headquartered in Michigan.

The Court has ordered Performance to file a response "advising whether it consents to the filing of Plaintiff's Second Amended Complaint" [#130]. For reasons of

judicial economy, Performance does not oppose Wyers' motion for leave as filed and, therefore, consents to the filing of the second amended complaint.[1]

Respectfully submitted,

Dated: March 21, 2014

s/ Matthew J. Cavanagh
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[1] By giving this consent, Performance does not waive and expressly reserves its right to appeal from this Court's September 17, 2013, order [#60] granting Wyers' motion to amend the case caption to name Philip W. Wyers as a co-plaintiff and denying Performance's motion to dismiss for lack of subject matter jurisdiction.

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2014, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will electronically mail notice to the following:

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