

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-02103-REB-CBS

STATE FARM FIRE AND CASUALTY COMPANY, individually and as subrogee of Aleja,
Plaintiff,

v.

HIGH MARK DEVELOPMENT, INC.,
KINDER MORGAN, INC.,
Defendants.

and

KINDER MORGAN, INC.,
Third Party Plaintiff,

v.

R.W.LYALL & COMPANY. INC.,
Third Party Defendant.

ORDER

Magistrate Judge Craig B. Shaffer

Pursuant to the Order of Reference dated October 25, 2005 (doc. # 2) and the memoranda dated August 2, 2006 (doc. # 50) and August 8, 2006 (doc. # 53), High Mark Development Inc.'s Motion for Leave to File Third Party Complaint (doc. # 49) and State Farm Fire & Casualty Company's Partially Unopposed Motion for Leave to File Second Amended Complaint (doc. # 52) were referred to the Magistrate Judge. In light of the parties' Stipulation (filed October 23, 2006) (doc. # 64) and the District Judge's Order (filed October 31, 2006) (doc. # 67),

IT IS ORDERED that:

1. High Mark Development Inc.'s Motion for Leave to File Third Party Complaint (filed August 1, 2006) (doc. # 49) is GRANTED without objection.

2. State Farm Fire & Casualty Company's Partially Unopposed Motion for Leave to File Second Amended Complaint (filed August 8, 2006) (doc. # 52) is GRANTED without objection.

3. The Second Amended Complaint tendered on August 8, 2006 (doc. # 52-2) is hereby accepted for filing as of the date of this Order.

4. Kinder Morgan, Inc. has been dismissed as a Defendant .

5. Kinder Morgan, Inc. has been dismissed as Third-Party Plaintiff.

6. R.W. Lyall & Company, Inc. has been dismissed as Third-Party Defendant.

7. Kinder Morgan, Inc. has been withdrawn from paragraph 24 of Defendant's Answer (doc. # 5).

8. This civil action shall proceed pursuant to the Second Amended Complaint under the following caption:

STATE FARM FIRE AND CASUALTY COMPANY, individually and as subrogee of Aleja,
Plaintiff,
v.

HIGH MARK DEVELOPMENT, INC.,
R.W. LYALL & COMPANY, INC.,
Defendants.

DATED at Denver, Colorado, this 1st day of November, 2006.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge