

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 05-cv-02513-PAB-KLM

JOHN T. SCHIMMER,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant.

ORDER

On February 9, 2009, the Court administratively closed this case and ordered that a

motion to reopen, or a motion to extend the deadline, must be filed within 30 days of a decision on the class certification issue by the Tenth Circuit in the *Clark* case [Case Nos. 07-1454, 07-1466], or January 9, 2010, whichever is later. If no such motion is filed by that date, this case shall be dismissed without prejudice, without further notice.

[Docket No. 60]

On December 29, 2009, the Tenth Circuit Court of Appeals issued an opinion in *Clark v. State Farm Mutual Automobile Insurance Company*, 590 F.3d 1134 (10th Cir. 2009). More than 30 days have passed since the decision, and no party has filed a motion to reopen the case or to extend the deadline for filing such a motion. Therefore, it is

ORDERED that this case is dismissed without prejudice.

DATED February 16, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge