

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-00984-RPM

APARTMENT INVESTMENT AND MANAGEMENT COMPANY,
a/k/a AIMCO, a Maryland corporation,

Plaintiff,

v.

EMPLOYERS INSURANCE COMPANY OF WAUSAU, a Wisconsin corporation,

Defendant,

And

EMPLOYERS INSURANCE COMPANY OF WAUSAU, a Wisconsin corporation,

Counter-claimant,

v.

APARTMENT INVESTMENT AND MANAGEMENT COMPANY,
a/k/a AIMCO, a Maryland corporation,

Counter-defendant.

ORDER

Upon consideration of “AIMCO’s Unopposed Motion to Amend the Amended Complaint to Withdraw Breach of Fiduciary Duty Claim,” it is

ORDERED that AIMCO’s motion to amend is GRANTED and the claim for breach of fiduciary duty is dismissed, each party to bear its own costs.

DATED this 9th day of September 2009.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge