

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 08-cv-00253-WYD-KLM

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD E. KIMMELL,  
EVELYN R. KIMMELL;  
HIGH PLAINS ELECTRICAL CONTRACTING;  
WOLFENGANG, LLC;  
STATE OF COLORADO,  
DEPARTMENT OF REVENUE

Defendants.

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**ORDER**

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THIS MATTER is before the Court on the Joint Notice of Settlement and Motion to Administratively Terminate Case Pursuant to Local Rule 41.2. The Court, having reviewed the motion and being fully advised in the premises,

ORDERS that the Motion to Administratively Terminate Case Pursuant to Local Rule 41.2 (ECF No. 64) is **GRANTED**. This case is **ADMINISTRATIVELY CLOSED** pursuant to D.C.COLO.LCivR 41.2, subject to being reopened upon a showing of good cause by motion of any party. Under the terms agreed upon in the motion, it is

ORDERED that the Court retains jurisdiction over this case to enforce the terms of the settlement pursuant to *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 381

(1994). Should any party seek to enforce the terms of the settlement, they shall move to reopen the case from administrative closure. It is

FURTHER ORDERED that the Order of Foreclosure and Judicial Sale [ECF No. 59] is **VACATED**. Finally, it is

ORDERED that upon notification by the United States that the payment due under the settlement has been received, the United States shall file a motion to dismiss this case with prejudice.

Dated: July 23, 2010

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Chief United States District Judge