

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 08-cv-00540-WYD-BNB

JONATHAN AIN,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF AMERICA,

Defendant.

ORDER

This matter arises on the following:

- (1) **Plaintiff's Motion to Amend the Complaint to Include a Claim for Exemplary Damages** [Doc. # 59, filed 4/8/2009] (the "Motion to Amend"); and
- (2) **Plaintiff's Third Motion to Compel** [Doc. # 64, filed 4/14/2009] (the "Third Motion to Compel").

I held a hearing on the motions this morning and made rulings on the record, which are incorporated here. In summary and for the reasons stated on the record:

IT IS ORDERED that the Motion to Amend is GRANTED. The Clerk of the Court is directed to accept for filing the Second Amended Complaint and Jury Demand [Doc. # 60].

IT IS FURTHER ORDERED that the Third Motion to Compel is DENIED.

IT IS FURTHER ORDERED that the defendant's requests for an award of attorneys fees and costs is DENIED.

Dated May 11, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge