

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00955-WYD-CBS

SECURITY SERVICE FEDERAL CREDIT UNION,

Plaintiff,

v.

FIRST AMERICAN MORTGAGE FUNDING, LLC;
KEVIN B. JORDAN;
CONSTRUCTION DISBURSEMENT SERVICES, INC.;
KENNETH E. NORTH;
PARADISE VIEW RANCH MIRAGE, LLC;
GILGER HOMES, LLC;
KIRK GILGER;
NEW CENTURY BUILDERS, INC.;
SUNDANCE MORTGAGE, LLC;
THE ARTISAN GROUP, LLC d/b/a ARTISAN DEVELOPMENT GROUP;
EHLIN CO.; and
RICHARD EHLIN,

Defendants,

FIRST AMERICAN MORTGAGE FUNDING, LLC;

Third-Party Plaintiff,

v.

STEWART TITLE OF CALIFORNIA, INC.;
ORANGE COAST TITLE COMPANY;
LAWYER'S TITLE COMPANY;
TERRY ANDERSON;
LINDA ANDERSON;
BRIAN L. BARKER;
SHARLENE P. BENTLEY;
GERALD CARLEO;
SHARON CARLEO;
GLORIA DIXON;
ROBIN FREESTONE;
MARGARET FREESTONE;

SHILOH GRIFFITHS;
DONALD GRUBB;
SHARON GRUBB;
DAVID P. GUZY;
TERRANCE HAFLER;
DONNA HAFLER;
RUSSELL E. HARDIMAN;
CHARLES HESS;
BARBARA HESS;
KENNETH INGRAM;
SIMON KROON;
JOANNA KROON;
JOHN LAING;
SUSAN LAING;
TRACY LARSEN;
THOMAS MITCHELL;
LOUISE HAYDEN a/k/a LOUISE MITCHELL;
DENNY NELSON;
PETER PASO;
JULIE PASO;
JAMES PHILLIPS;
JOANN PHILLIPS;
DOUG RANGLACK;
LOUIS SASSALI;
DEBORAH SASSALI;
ERWIN SCHMERLING;
JOANN MARGULIES SMITH-SUGGS;
SHELIAH A. WILLIAMS;
BENJAMIN WONG; and
PUA'ALA WONG;

Third-Party Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
FIRST AMERICAN MORTGAGE, INC.,
CONSTRUCTION DISBURSEMENT SERVICES, INC.,
WILLIAM DEPUY,
JEFFREY JORDAN,
SHAUN JORDAN,
MARK CAMPBELL, and
KEVIN B. JORDAN,

Cross-Claim Plaintiffs,

v.

KENNETH E. NORTH,
PARADISE RANCH VIEW MIRAGE, LLC,
GILGER HOMES, LLC,
KIRK GILGER,
NEW CENTURY BUILDERS, INC.,
SUNDANCE MORTGAGE, LLC,
THE ARTISAN GROUP, LLC, d/b/a ARTISAN DEVELOPMENT GROUP, AND/OR
EHLIN CO.,

Cross-Claim Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
CONSTRUCTION DISBURSEMENT SERVICES, INC., and
KEVIN B. JORDAN,

Counterclaim Plaintiffs,

v.

SECURITY SERVICE FEDERAL CREDIT UNION,

Counterclaim Defendant.

SECOND AMENDED FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 29, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendants, Benjamin Wong and Pua'ala Wong, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Motion (1) to Dismiss for Lack of Personal Jurisdiction and to Quash Service of Process; and Alternatively, (2) to Dismiss Fraud Claim for Failure to State Facts With Sufficient Particularity; and (3) to Sever and to Bifurcate Third-Party

Complaint filed July 27, 2009 [ECF Doc. No. 200]. It is further

ORDERED that the motion is GRANTED to the extent Third-Party Defendants seek dismissal of the Complaint pursuant to Rule 12(b)(2) for lack of personal jurisdiction. It is further

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 29, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendant, Shiloh Griffiths, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Third-Party Defendant's Motion to Dismiss for Lack of Personal Jurisdiction, filed June 23, 2009 [ECF Doc. No. 156].

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 30, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendant, Orange Coast Title Company of the Inland Empire, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Third-Party Defendant Orange Coast Title Company of the Inland Empire's or, in the alternative, Orange Coast Title Company's Consolidated Motion Pursuant to F.R.Civ.P. 12(b)(5) and (6) to Dismiss for Insufficient Service of Process and Failure to State a Claim Upon Which Relief Can Be Granted, filed July 27, 2009, [ECF Doc. No. 181].

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 30, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendant Stewart Title of California, LLC, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Third-Party Defendant Stewart Title of California, LLC's Motion to Dismiss Third-Party Plaintiff's Claims and Brief in Support Thereof, filed July 27, 2009, [ECF Doc. No. 183].

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 29, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that Third-Party Defendant Shiloh Griffiths' Motion to Dismiss for Lack of Personal Jurisdiction [ECF Doc. No. 156], filed June 23, 2009, and Third-Party Defendant Erwin Schmerling's Motion to Dismiss for Lack of Personal Jurisdiction [ECF Doc. No. 205], filed August 4, 2009, are GRANTED and the Complaint is hereby DISMISSED as to these Defendants for lack of personal jurisdiction.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 30, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendant Lawyer's Title, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Third-Party Defendant Lawyer's Title's Motion to Strike, or in the Alternative to Sever

and to Bifurcate, Third-Party Claims, filed July 27, 2009, [ECF Doc. No. 182].

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 30, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that judgment is hereby entered in favor of Third-Party Defendants, John Laing and Susan Laing, and against Third-Party Plaintiff, First American Mortgage Funding, LLC, on Third-Party Defendants John Laing and Susan Laing's Motion to Dismiss, filed July 9, 2009, [ECF Doc. No. 178]. It is further

ORDERED that third-party complaint is DISMISSED with leave to re-file.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on April 1, 2011, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that Stipulation of Dismissal With Prejudice As to Defendant First American Title Insurance Company [ECF Doc. No. 600], filed March 28, 2011. It is further

ORDERED that the stipulation should be approved and that all claims alleged by Plaintiff against First American Title Insurance Company are dismissed with prejudice.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order of Dismissal with Prejudice, filed on November 9, 2011, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the Stipulation of Dismissal with Prejudice as to Defendant North American Title Company of Colorado [ECF Doc. No. 719], is approved and Defendant NATCO is dismissed with prejudice from this action, each party to bear its own attorney fees and costs.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 20, 2013, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that Orange Coast Title Company of Southern California, Lawyers Title Company, the FAM Defendants, and Stewart Title of California's Motions for Summary Judgment [ECF Nos. 889, 914, 919, & 939] are GRANTED to the extent they argue that Security Service Federal Credit Union is not the proper plaintiff in this action. It is further

ORDERED that Security Service Federal Credit Union's claims are DISMISSED WITH PREJUDICE. It is further

ORDERED that this case is dismissed in its entirety. It is further

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on February 4, 2014, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is hereby

ORDERED that Defendants judgment is amended to state that Orange Coast Title Company of Southern California, Stewart Title Of California, and Lawyers Title Company are entitled to costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen (14) days of entry of the Second Amended Final Judgment, and pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado this 5th day of February, 2014.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler
Edward P. Butler,
Deputy Clerk