

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, et al.

Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,

Third-Party Plaintiff,

v.

STEWART TITLE OF CALIFORNIA, INC., et al.

Third-Party Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC, et al.

Cross-claim Plaintiffs,

v.

FIRST AMERICAN MORTGAGE, INC., et al.

Cross-claim Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC, et al.

Counterclaim Plaintiffs,

v.

SECURITY SERVICE FEDERAL CREDIT UNION,

Counterclaim Defendant.

MINUTE ORDER

ORDER ENTERED BY CHIEF JUDGE WILEY Y. DANIEL

“Third-Party Defendant Erwin Schmerling’s Combined Motion to Dismiss for Lack of Personal Jurisdiction, for Failure to State a Claim upon Which Relief Can Be Granted and for Failure to Plead Fraud with Particularity or, in the Alternative, to Sever and Stay Third-Party Claims” [doc. #184], filed July 27, 2009, is **STRICKEN** with leave to refile in compliance with my practice standards not later than **Tuesday, August 4, 2009**. Section II.E.1 provides that the text of opening briefs shall not exceed fifteen (15) pages in length. Furthermore, Section III.A.2 provides that where matters outside the pleadings are presented with a motion to dismiss, the motion shall include a brief statement addressing whether the motion should be converted to a motion for summary judgment. Third-Party Defendant Schmerling is reminded that the Court cannot consider matters outside the pleadings in conjunction with a motion to dismiss pursuant to Rule 12(b)(6).

In light of the foregoing, the exhibits to the Motion [doc. ##185-196], filed July 27, 2009, are **STRICKEN** with leave to refile not later than **Tuesday, August 4, 2009**. Third-Party Defendant Schmerling is encouraged to file his exhibits together and to contact the clerk’s office for assistance with filing.

Finally, the Motion to Seal Exhibits to Third-Party Defendant Erwin Schmerling’s Motion to Dismiss [doc. #199], filed July 27, 2009, is **GRANTED**. The exhibits to the Motion [doc. ##185-196], filed July 27, 2009, are hereby sealed until further order of the Court.

Dated: July 28, 2009