

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

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.

ORDER

THIS MATTER comes before me 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 [d/e 182]. I have also reviewed Third Party Plaintiff's Response to that motion [d/e 250] as well as Lawyer's Title's Reply [d/e 297]. Because I have already found that FAM's negligence claim should be dismissed and that FAM's breach of contract claim survived a Rule 14 challenge, rulings which I incorporate fully herein, Lawyer's Title's motion to dismiss the negligence claim is granted and the motion is denied with respect to the contract claim. Given that I anticipate FAM filing an amended complaint in the near future, I will deny as moot the remaining requests of Lawyer's Title's motion with leave to re-file at a later date. Accordingly, it is

ORDERED that 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 [d/e 182] is **GRANTED IN PART and DENIED IN PART**. The motion is **GRANTED** to the extent Lawyer's Title seeks dismissal of the "First Third-Party Claim for Relief - Negligence". The motion is **DENIED** and **DENIED AS MOOT** as set forth herein.

Dated: March 30, 2010

BY THE COURT:

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