

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 08-cv-01236-CBS-BNB
Consolidated with Civil Action No. 09-cv-00346-CBS-BNB

ACE AMERICAN INSURANCE CORPORATION, a Pennsylvania corporation,
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, a Pennsylvania
corporation,
NATIONAL SURETY CORPORATION, an Illinois corporation, and
THE AMERICAN INSURANCE COMPANY, an Ohio corporation,
Plaintiffs,

v.

AURORA DAIRY CORPORATION d/b/a AURORA ORGANIC DAIRY, a Delaware
corporation,
Defendant.

AURORA DAIRY CORPORATION d/b/a AURORA ORGANIC DAIRY, a Delaware
corporation,
Counterclaim Plaintiff and Third Party Plaintiff,

v.

ACE AMERICAN INSURANCE CORPORATION, a Pennsylvania corporation,
INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, a Pennsylvania
corporation,
NATIONAL SURETY CORPORATION, an Illinois corporation, and
THE AMERICAN INSURANCE COMPANY, an Ohio corporation,
Counterclaim Defendants,

and

GENERAL FIRE & CASUALTY COMPANY n/k/a AMERICAN FARMERS &
RANCHERS MUTUAL INSURANCE COMPANY, an Oklahoma corporation,
Third-Party Defendants.

GENERAL FIRE & CASUALTY COMPANY n/k/a AMERICAN FARMERS &
RANCHERS MUTUAL INSURANCE COMPANY, an Oklahoma corporation,
Third-Party Counterclaim Plaintiff,

v.

AURORA DAIRY CORPORATION d/b/a AURORA ORGANIC DAIRY, a Delaware

corporation,
Third-Party Counterclaim Defendant.

Civil Action No. 09-cv-00346-CBS-BNB

AURORA DAIRY CORPORATION d/b/a AURORA ORGANIC DAIRY, a Delaware corporation,
Plaintiff,

v.

NATIONWIDE AGRIBUSINESS INSURANCE COMPANY, an Iowa corporation,
Defendant.

ORDER ON STIPULATION OF DISMISSAL

This civil action comes before the court on the “Stipulation of Dismissal” filed by all parties on September 30, 2011 (Doc. # 141). On October 20, 2008, the case was referred to Magistrate Judge Craig B. Shaffer to handle all dispositive matters including trial and entry of a final judgment in accordance with 28 U.S.C. 636(c), Fed. R. Civ. P. 73, and D.C. COLO. LCivR 72.2. (See Doc. # 28). Pursuant to the parties’ stipulation, IT IS ORDERED that:

1. All claims relating to the duty to defend or the duty to pay or reimburse defense costs incurred in connection with the “*Mothershead* action” and the “Consolidated Proceedings” as those terms are defined in the confidential Settlement Agreement between the parties up to September 30, 2011 are dismissed with prejudice.

2. All claims or causes of action by Aurora Dairy Corporation, d/b/a Aurora Organic Dairy for compensatory, punitive, exemplary, treble or statutory damages or penalties based upon any allegations of bad faith, breach of the duty of good faith and fair dealing, unfair claims settlement practices, unfair or deceptive trade practices,

violation of any applicable insurance code provisions or statutes, all contractual, consequential, and extra-contractual claims or any other misconduct, acts or omissions in connection with the "Insurance Proceedings" and the "Consolidated Proceedings" as those terms are defined in the confidential Settlement Agreement between the parties up to September 30, 2011 are dismissed with prejudice.

3. Any and all other claims or causes of action are dismissed without prejudice.

DATED at Denver, Colorado, this 3rd day of October, 2011.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge