

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-01756-RPM

METROPOLITAN LIFE INSURANCE COMPANY,

Plaintiff,

v.

MAUREEN KEY-DEL DUCA,

Defendant.

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ORDER DISMISSING THIRD AND FOURTH COUNTERCLAIMS

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Upon review of the plaintiff's motion for partial summary judgment on defendant's third and fourth counterclaims, filed November 11, 2009, and the papers supporting and opposing that motion, the Court finds and concludes that the defendant has failed to provide sufficient evidentiary support for the claim for a violation of the Colorado Consumer Protection Act alleged in the third claim for relief and the statutory claim under C.R.S. § 10-3-1116 (2008) is not applicable to this case because the statute is not effective retroactively. Accordingly, it is

ORDERED that the third and fourth counterclaims are dismissed.

Dated: December 29<sup>th</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge