

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

Civil Action No. 08-cv-02402-RPM-MJW

TRUSTEES OF THE COLORADO FINISHING TRADES HEALTH AND WELFARE FUND,  
TRUSTEES OF THE COLORADO FINISHING TRADES INSTITUTE,  
TRUSTEES OF THE CARPET, LINOLEUM AND RESILIENT TILE LAYERS VACATION TRUST FUND,  
and TRUSTEES OF THE RESILIENT FLOOR COVERING PENSION FUND,

Plaintiffs,

v.

ABBA BONDING, INC.,  
d/b/a ABBA BONDING, an Alabama Corporation,

Defendant.

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ORDER REJECTING MAGISTRATE JUDGE'S RECOMMENDATION ON DEFENDANT ABBA  
BONDING, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE FRAUD CLAIM AND  
DECLARING THAT DEFENDANT IN DEFAULT

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Pursuant to the Plaintiffs' Status Report, filed June 14, 2010, pursuant to this Court's order of June 10, 2010, it is

ORDERED that the recommendation of Magistrate Judge Michael Watanabe on November 19, 2009, that the defendants' Motion for Partial Summary Re: Fraud Claim be granted on the basis of ERISA preemption is rejected as to the defendant ABBA Bonding, Inc., d/b/a ABBA Bonding, the only defendant remaining in this civil action, and it is

FURTHER ORDERED that the defendant ABBA Bonding, Inc., d/b/a ABBA Bonding, is declared in default for failure to appear after Magistrate Judge Watanabe's order of November 19, 2009, requiring it to appear with new legal counsel following the withdrawal of attorney Alan Molk. The plaintiffs' motion for entry of default against ABBA Bonding, Inc., filed June 14, 2010, is granted.

DATED: June 14, 2010

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge