

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-00007-REB-MEH

AAA NATIONAL MAINTENANCE, a Georgia corporation, and
DANA MAYFIELD,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, a municipal corporation, and
DENVER DEPARTMENT OF AVIATION, a Department of the City and County of
Denver,

Defendants.

MINUTE ORDER¹

The matter is before the court on the **Motion Requesting Rescusal [sic] of Magistrate [sic] Judge Michael Hegarty From Case - AAA National Maintenance V. City and County of Denver, et al Pursuant To Federal Laws in Pending Motion Requesting Re-Opening of Settlement Agreement** [#153],² filed October 7, 2011. This matter was dismissed by **Order of Dismissal** [#148] filed February 1, 2010. Thus, the court is without jurisdiction in this matter. *See Cattlco, LLC v. United AG Export Corp.*, 2009 WL 973562 at *3 (D. Colo. April 10, 2009) (citing *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377-82, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994)) (noting that, in “the absence in the motion to dismiss and order of dismissal of either a statement that jurisdiction is retained to enforce the settlement or a statement in the dismissal order embodying the terms of the settlement[,] . . . there is no procedural mechanism to reopen a case dismissed with prejudice to enforce the settlement. Instead, an independent action must be commenced asserting a breach of the settlement contract, and an independent basis for jurisdiction in the enforcement action must be established.”).

THEREFORE, IT IS ORDERED that the **Motion Requesting Rescusal [sic] of Magistrate [sic] Judge Michael Hegarty From Case - AAA National Maintenance V.**

¹ This minute order is issued pursuant to the express authority of the Honorable Robert E. Blackburn, United States District Judge for the District of Colorado.

² “[#153]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

City and County of Denver, et al Pursuant To Federal Laws in Pending Motion Requesting Re-Opening of Settlement Agreement [#153] filed October 7, 2011, is DENIED for lack of jurisdiction.

Dated: October 11, 2011