

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

Civil Action No. 09-cv-00724-REB-MEH

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, a Wisconsin corporation,

Plaintiff,

v.

DENVER HASLAM,
COMMERCIAL CAPITAL, INC.,
MIKEL MEWBOURN,
M&B DEVELOPMENT GROUP, INC.,
FALL RIVER VILLAGE COMMUNITIES, LLC,
ONEWEST BANK, FSB DEUTSCHE BANK, and
NATIONAL TRUST COMPANY,

Defendants,

DENVER HASLAM,

Counterclaim Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, a Wisconsin corporation,

Counterclaim Defendant.

AMENDED ORDER APPROVING STIPULATION FOR DISMISSAL

Blackburn, J.

This matter is before me on the following: (1) the **Stipulation For Dismissal With Prejudice of Claims Between Plaintiff American Family Mutual Insurance Company and Defendant Fall River Village Communities, LLC, Only** [#291]¹ filed

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

January 14, 2011; and (2) the **Unopposed Motion for Correction of Clerical Mistake or Oversight in Entry of Order** [#295] filed January 20, 2011. After reviewing the stipulation and the file, I conclude that the stipulation should be approved. Based on the stipulation, the plaintiff's claims against defendant, Fall River Village Communities, LLC, are dismissed with prejudice. In addition, the counterclaims of defendant, Fall River Village Communities, LLC, against the plaintiff are dismissed with prejudice. Defendant Fall River Village has asserted cross-claims against defendant Denver Haslam and those cross-claims remain pending.

On January 14, 2011, the court issued an order [#292] approving the stipulation [#291]. In error, the court directed in that order [#292] that Fall River Village Communities, LLC, be dropped as a named party to this action, and that the caption be amended accordingly. That portion of the order [#292] was in error because Fall River Village remains a named party to this action based on its pending cross-claims. In light of that error, and applying the standards of FED. R. CIV. P. 60(a), the court withdraws its previous order [#292] and issues this amended order.

THEREFORE, IT IS ORDERED as follows:

1. That the **Unopposed Motion for Correction of Clerical Mistake or Oversight in Entry of Order** [#295] filed January 20, 2011, is **GRANTED** on the terms stated in this order;
2. That the court's **Order of Dismissal as to Defendant, Fall River Village Communities, LLC, Only** [#292] entered January 14, 2011, is **WITHDRAWN**;
3. That defendant, Fall River Village Communities, LLC, is **REINSTATED** as a named defendant in this action;
4. That the **Stipulation For Dismissal With Prejudice of Claims Between**

Plaintiff American Family Mutual Insurance Company and Defendant Fall River Village Communities, LLC, Only [#291] filed January 14, 2011, is **APPROVED**;


5. That plaintiff's claims against defendant, Fall River Village Communities, LLC, are **DISMISSED WITH PREJUDICE**, with the parties to pay their own attorney fees and costs;

6. That the counterclaims of defendant, Fall River Village Communities, LLC, against the plaintiff are **DISMISSED WITH PREJUDICE**, with the parties to pay their own attorney fees and costs; and

7. That this order **SUPPLANTS** and **SUPERSEDES** the order [#292] entered January 14, 2011.

Dated January 25, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge