

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-cv-00724-DME-MEH

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Plaintiff,

vs.

COMMERCIAL CAPITAL, INC., *et. al*,

Defendants.

---

**ORDER GRANTING UNOPPOSED JOINT MOTION TO DISMISS CLAIMS AND  
DISMISSING ALL REMAINING CLAIMS AND THIS ACTION**

---

THIS MATTER having come before the Court on American Family Mutual Insurance Company's ("American Family"), OneWest Bank, FSB ("OneWest") and Deutsche Bank National Trust Company ("Deutsche Bank") (collectively "the Banks") and Commercial Capital Inc., ("CCI), by and through its Chapter 11 Trustee ("CCI Trustee") (hereafter referred to as "the Parties") Unopposed Joint Motion to Dismiss Claims by and among them with prejudice and dismiss any remaining claims in this case based on an absence of subject matter jurisdiction, and the Court having reviewed the Motion and being fully informed regarding the same, finds that good cause exists to grant the Motion.

IT IS THEREFORE ORDERED that the Parties' Unopposed Joint Motion to Dismiss Claims among them with prejudice is hereby GRANTED. The claims existing between and among American Family, OneWest Bank, FSB, Deutsche Bank National Trust Company, and Commercial Capital Inc., and the claims against Meritplan are hereby dismissed with prejudice,

with each party to bear their own fees and costs. Any remaining claims in this case are dismissed without prejudice based on an absence of subject matter jurisdiction. This action is DISMISSED.

Dated: October 30, 2012.

*s/ David M. Ebel*

---

The Honorable David M. Ebel  
Circuit Judge