

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Case No. 09-cv-01114-MSK-KLM

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

WELLCO ENERGY, LLC,
JUSTIN WILLIAM RIFKIN, and
DUSTIN D. WHITE,

Defendants.

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

THIS MATTER comes before the Court pursuant to the Plaintiff's Motion for Summary Judgment (**# 69**) against the remaining Defendants. None of the Defendants have responded to the motion.

Because the Defendants have not responded to the motion, the Court deems them to have conceded all those facts asserted by the Plaintiff that are supported by adequate evidentiary material in the record. Fed. R. Civ. P. 56(e)(2). Having considered those undisputed facts and the Plaintiff's arguments, the Court agrees with the Plaintiff that it is entitled to summary judgment against each of the Defendants on all of the claims in this action. Accordingly, the Plaintiff's Motion for Summary Judgment (**# 69**) is **GRANTED** in its entirety. Within 10 days

of the date of this Order, the Plaintiff shall file with the Court and submit to chambers a proposed form of judgment against each Defendant.

Dated this 21st day of February, 2011

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
United States District Judge.