

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

Civil Case No. 09-cv-01414-REB-MEH

MICHELE WHITMORE,
WKF ENTERPRISES, LLC,
WANDA K. FORD,
DYLAN MUMM,
CARYLN MUMM, and
KATHRYN FORD,

Plaintiffs,

v.

STATGUARD, LLC,
DAVID KIM STANLEY,
MICHAEL J. LEARY,
CHARLES S. BRADFORD,
BRUCE HOOVER, and
LINDA MITCHELL,

Defendants.

ORDER

Blackburn, J.

This matter is before the court on the following: (1) a letter [#146]¹ filed by defendants, Charles S. Bradford and Michael J. Leary, on April 14, 2011; and (2) a letter [#152] filed by defendants, Charles S. Bradford and Michael J. Leary, on May 2, 2011. No responses to these letters have been filed. Both letters concern, *inter alia*, this court's **Amended Order Imposing Sanctions for Contempt of Court** [#145] filed April 6, 2011. The record shows that the contempt at issue in that order has been purged.

¹ “[#146]” 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.

On December 30, 2009, the court ordered the defendants to pay a certain amount of money to counsel for the plaintiffs. *Order* [#122] filed December 30, 2009. The defendants were required to pay this amount by February 15, 2010. The defendants failed to make this payment in a timely fashion. On March 24, 2011, I entered an order [#143] finding the defendants in contempt of court based on their failure to pay counsel for the plaintiffs, as ordered. An amended order [#145] concerning the contempt of the defendants was entered on April 6, 2011. Subsequently, the defendants filed a document [#151] filed April 27, 2011, demonstrating that they had paid the required amount to counsel for the plaintiffs.

On September 14, 2010, I entered an order [#138] imposing monetary sanctions on counsel for the defendants. Counsel was ordered to pay a sum certain to counsel for the plaintiffs on or before October 29, 2010. *Order* [#122] filed December 30, 2009. Counsel failed to pay this amount in a timely fashion. On March 24, 2011, I entered an order [#143] finding counsel for the defendants in contempt of court based on her failure to pay counsel for the plaintiffs, as ordered. An amended order [#145] concerning the contempt of counsel for the defendants was entered on April 6, 2011. Subsequently, counsel for the defendants filed a document [#150] filed April 22, 2011, demonstrating that she had arranged for payment of the required amount to counsel for the plaintiffs.

In their two letters [#146 & #152], defendants, Charles S. Bradford and Michael J. Leary, ask, *inter alia*, that the sanctions imposed against them by the court be withdrawn. Based on the fact that the defendants have made the payments required in the court's previous orders, I find that they have purged their contempt. Based on the fact that counsel for the defendants has made the payments required in the court's previous orders, I find that she has purged her contempt.

In their letter [#152], defendants, Charles S. Bradford and Michael J. Leary, ask that this case be dismissed as to them. That request is denied. This case was remanded to state court in an order [#122] entered December 30, 2009. As a result, this court does not have jurisdiction to resolve the motions to dismiss or to dismiss defendants or claims in this case.

THEREFORE, IT IS ORDERED as follows:

1. That the court **FINDS** that the contempt of defendants, Statguard, LLC, David Kim Stanley, Michael J. Leary, and Charles S. Bradford, has been purged;

2. That the court **FINDS** that the contempt of counsel for the defendants, Lisa Welch Stevens, has been purged;

3. That on the terms stated in this order, the relief requested in the letter [#146] filed by defendants, Charles S. Bradford and Michael J. Leary, on April 14, 2011, is

GRANTED;

5. That otherwise, the relief requested in the letter [#146] filed by defendants, Charles S. Bradford and Michael J. Leary, on April 14, 2011, is **DENIED;**

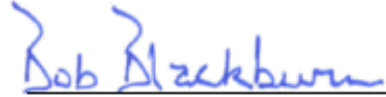
6. That on the terms stated in this order, the relief requested in the letter [#152] filed by defendants, Charles S. Bradford and Michael J. Leary, on May 2, 2011, is

GRANTED; and

7. That otherwise, the relief requested in the letter [#152] filed by defendants, Chares S. Bradford and Michael J. Leary, on May 2, 2011, is **DENIED**.

Dated February 28, 2012, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge