

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-002276-RPM

TAMMY HENDERSON,
WILLIAM BOMAR and
TRAVIS RODE,

Plaintiffs,

v.

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY and
MONUMENTAL LIFE INSURANCE COMPANY,

Defendants.

SEVERANCE ORDER

This civil action filed in the District Court, County of El Paso, Colorado as Case Number 09CV9055 was removed by Notice of Removal, filed by defendant Hartford Life and Accident Insurance Company and another Notice of Removal filed by Monumental Life Insurance Company several hours apart on September 23, 2009. By a quirk of the electronic filing system, the action became two Civil Actions No. 09-cv-02273 and Civil Action No. 09-cv-02276 and they were separately assigned to different judges. The defendants filed a joint motion to administratively close this action in Civil Action No. 09-cv-02273 PAB (doc. 5-2). That case has been reassigned to Judge Krieger and referred by her to Magistrate Judge Mix who entered a Scheduling Order on December 7, 2009 (doc. 18). This civil action came in for a Scheduling Conference today. After review of the pleadings in both cases and discussion with counsel, this Court has

determined that defendants have been improperly joined under Fed.R.Civ.P. 20 in that the claims for relief are under separate insurance policies and the common occurrence, being the death of the named insured, Bonita F. Smith is insufficient for joinder, Upon this finding, it is

ORDERED, that defendants are severed. Civil Action No. 09-cv-02273-MSK-KLM will go forward only as to Hartford Life and Accident Insurance Company as the sole defendant, which is removed from this civil action and this action will proceed against Monumental Life Insurance Company as the sole defendant. Discovery in both actions will be coordinated with respect to this common factual issues concerning the death of the insured.

Dated: December 11th , 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge