

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Gudrun J. Rice

Civil Action No. 09-cv-02501-PAB-GJR

PRINCIPAL LIFE INSURANCE COMPANY,
Plaintiff,

vs.

WENDY MITCHELL,
Co-Defendant,

CHARLES H. ADAMS, IV,
Co-Defendant,

and,

WENDY MITCHELL,
Counterclaimant,

vs.

PRINCIPAL LIFE INSURANCE COMPANY,
Counter-Defendant.

ORDER: MOTION TO COMPEL (Doc. 61)

Co-defendant Wendy Mitchell's Motion to Compel, (Doc. # 61) with included Motion for continuance regarding the dismissal of co-defendant Mitchell's Motion for declaratory judgment to answer question of law, Motion for continuance of final pretrial conference and Motion for Order to deny costs and attorneys' fees from interpleader funds is **DENIED** as moot.

This matter came on for continued hearing on co-defendant Wendy Mitchell's motion to compel in the United States District Court for the District of Colorado on January 25, 2011

before Magistrate Judge Gudrun J. Rice. Appearing were co-defendant Wendy Mitchell, pro se, and co-defendant Charles Adams IV with counsel Amy Ondos. Sarah Benjes, attorney for Principal Life, appeared by phone.

Before the hearing began, Ms. Ondos, counsel for co-defendant Adams, advised that Court that co-defendant Adams relinquishes all claims to any insurance proceeds due and owing under a life insurance policy on the life of Dylan A. Adams.

The purpose of the hearing set for January 25, 2011 was to allow the defendants to present evidence and argument to the Court with regard to the life insurance contract and the impact of Colorado statutory law on the contract of insurance.

Since co-defendant Adams withdrew all claim to any proceeds due on the life insurance policy, the hearing became unnecessary and was consequently vacated. The Motion to compel, with all its subparts, is **DENIED** without prejudice.

DATED at Grand Junction, Colorado, this 26th day of January, 2011.

BY THE COURT:

s/ Gudrun J. Rice

Gudrun J. Rice
United States Magistrate Judge