

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-02770-CMA-CBS

ASPEN INSURANCE UK, LTD., and  
CERTAIN UNDERWRITERS AT LLOYD'S  
Subscribing to Policy No. QA021508 and  
Policy No. QA021608,

Plaintiffs/Counterclaim Defendants,

v.

FISERV, INC.,  
FISERV TRUST COMPANY (f/k/a FIRST TRUST CORPORATION),  
TRUST INDUSTRIAL BANK,  
TD AMERITRADE ONLINE HOLDINGS CORP.  
TD AMERITRADE HOLDING CORPORATION,

Defendants/Counterclaimants,

And

ROBERT BERIAULT HOLDINGS, INC.,  
LINCOLN TRUST COMPANY, and  
NTC & CO., LLP,

Defendants.

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**ORDER FOR DISMISSAL WITH PREJUDICE**

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This matter is before the Court on the parties' Stipulated Motion For Dismissal With Prejudice of Claims, Counterclaims and Action (Doc. # 107). The Court being fully advised, hereby ORDERS as follows:

1. All claims and counterclaims asserted by any of the parties in this action, and this action itself, are DISMISSED WITH PREJUDICE.

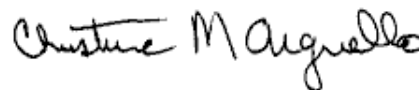
2. This Order for Dismissal With Prejudice pertains only to the Parties' coverage dispute with respect to the following underlying lawsuits and arbitration proceedings at issue in this case: (1) Max Rutman v. Fiserv, et al., Case No. 09-cv-01222 filed in the District of Colorado; (2) Eric Weinstein v. Fiserv, et al., Case No. 09-cv-00752 filed in the District of Colorado; (3) Cohen v. Fiserv, et al., Case No. 09-cv-1356 filed in the District of Colorado; (4) Squires v. Fiserv, et al., Docket No. ESXL-2381-09 filed in the Supreme Court of New Jersey; (5) demand for arbitration by Richard A. Guggenheimer, Cathleen A. Lieberman and Norman Shapiro filed on June 18, 2009; (6) demand for arbitration filed by Stephen Z. Kaufman on January 19, 2010; (7) demand for arbitration filed by Stephen Squires on June 16, 2010; and (8) demand for arbitration filed by Martin Winick on June 22, 2010.

3. This Order for Dismissal With Prejudice **does not extend to, and is without prejudice to**, the Parties' rights, claims and defenses under the insurance policies with respect to any future claims that might be asserted against Defendants.

4. Each party shall bear its own costs and attorneys' fees.

DATED: September 16, 2011

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge