

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-00144-WJM-MJW

MICHAEL D. RUDNICK and ANN K. SMITH RUDNICK,

Plaintiffs,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION,
as SUCCESSOR BY MERGER TO LASALLE BANK, NATIONAL ASSOCIATION,
TRUSTEE UNDER THE POOLIGN AND SERVICE AGREEMENT DATED AS OF
FEBRUARY 1, 2007, GSAMP TRUST 2007-NC-1;
LITTON LOAN SERVICING, LP;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
PUBLIC TRUSTEE OF DENVER COUNTY; and
All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Defendants.

ORDER VACATING TRIAL

THIS MATTER is before the Court on the Parties' Joint Status Report and Stipulation Regarding Settlement, ECF No. 149, filed on August 29, 2011 (the "Settlement Stipulation"). Given the Parties' representations to this Court that a final stipulated settlement agreement has been achieved, the 3-day Bench Trial scheduled to commence on August 31, 2011 is hereby VACATED.

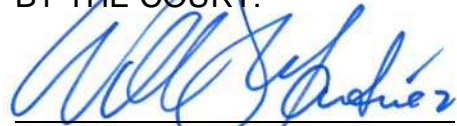
In the Settlement Stipulation, the Parties ask this Court to "retain jurisdiction to supervise, enforce and enter Orders necessary to assure performance of this Stipulation." *Id.* at 2. This request is made, however, in the face of Defendants' vociferous arguments in their Amended Proposed Preliminary Findings of Fact and

Conclusions of Law that this Court is without subject matter jurisdiction to adjudicate any of the claims at issue in this action. ECF 148 at 2-7.

The Court will consider these contending positions and arguments and issue a separate Order definitively disposing of same in the near future.

Dated this 30th day of August, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez", is written over a horizontal line.

William J. Martinez
United States District Judge