

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

Civil Action No. 11-cv-00041-RPM

JON C. COOK, and  
THE LUMBERYARDS DEVELOPMENT, L.L.C.,

Plaintiffs,

v.

FIRST-CITIZENS BANK & TRUST COMPANY,  
GARY G. PETAK,  
BRET R. DUSTON, and  
ANTHONY C. CODORI,

Defendants.

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ORDER

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Pursuant to the motions filed on March 30, 2011, by First-Citizens Bank & Trust Company and the individual defendants, it is

ORDERED AS FOLLOWS:

1. First-Citizens Bank & Trust Company is substituted for United Western Bank as a defendant.
2. The defendants' motion to lift stay of proceedings as ordered by this Court's order of February 18, 2011, is granted.
3. The motion to withdraw the motion to dismiss first amended complaint, filed by United Western Bank and the individual defendants on January 13, 2011, [10] is withdrawn.
4. The revised motion to dismiss first amended complaint or in the alternative motion for summary judgment, tendered on March 30, 2011, as Doc. 20-1 is ordered filed as a motion for summary judgment pursuant to Fed.R.Civ.P. 56.

DATED: April 1<sup>st</sup>, 2011

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge