

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 11-cv-00400-KMT-KLM

BERNARD KENNETH MYERS,

Plaintiff,

v.

DORWIN DWAYNE HUMMEL,

Defendant.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

Plaintiff's "Motion for Summary Judgment" (Doc. No. 131, filed Dec. 27, 2011) is DENIED. The court already denied Plaintiff's prior motion for summary judgment (Doc. No. 89, filed June 23, 2011) on December 15, 2011 (Doc. No. 124). While it appears that Plaintiff seeks to overcome the bases for the court's denial of his first summary judgment motion, Plaintiff's present motion fails to achieve that goal. Plaintiff again has not fulfilled *his* burden, as the moving party and the plaintiff, of demonstrating that there is no genuine dispute of material fact that Defendant owed him a fiduciary duty, and breached that duty. Fed. R. Civ. P. 56(a). Accordingly, Plaintiff's motion is denied for the reasons outlined in this court's December 15, 2011 Order.

Dated: January 4, 2012