

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

Civil Action No. 11-cv-01203-WJM-KMT

MICHAEL L. MENDENHALL, an individual,

Plaintiff,

v.

BANKERS LIFE AND CASUALTY COMPANY, an Illinois corporation, and
CNO FINANCIAL GROUP, INC. (f/k/a Conseco Inc.), a Delaware corporation,

Defendants.

BANKERS LIFE AND CASUALTY COMPANY, an Illinois Corporation,

Counterclaim-Plaintiff,

v.

MICHAEL L. MENDENHALL, an individual,

Counterclaim-Defendant.

ORDER

This matter is before the court on Defendants’ “Status Report and Motion to Dismiss Without Prejudice” [Doc. No. 45] filed April 26, 2012.

Defendants have advised the court that “[a]ccording to media reports, Mendenhall was sentenced on April 20, 2012, to 30 years in prison and was ordered to pay \$1.4 million in restitution.” (Mot. at ¶ 4.) Given the breadth of the sentence Defendants have proposed that the

case should be resolved by “by a dismissal of all claims and counterclaims in this action, without prejudice.” (Mot. at ¶ 9, emphasis added.) The court considers this to be an offer of settlement and not a properly filed and supported motion to dismiss.

Therefore, to the extent the Defendants’ status report seeks dismissal of any claims, that portion of the report is hereby **STRICKEN** and the report will not be shown as a pending motion on the court’s docket.

Further, it is **ORDERED**

The Plaintiff shall file his own status report **on or before May 11, 2012** complying with the court’s order directing the parties to set “forth their proposals for continuation of this civil case and further proposed scheduling of responsive pleadings and discovery.” The Plaintiff may also respond to the Defendants’ proposed settlement offer to the extent he wishes to do so. The parties are reminded that the discovery period is continuing and deadlines are currently set.

It is further **ORDERED**

A Status Hearing will be held on **May 15, 2012 at 10:30 a.m.** Plaintiff, or his case manager, shall arrange for his participation via telephone and shall call (303) 335-2780 at the scheduled time.

Dated this 27th day of April, 2012.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge