

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-01220-RM-BNB

TRIAD BANK, a Missouri chartered bank,

Plaintiff,

v.

FIRST-CITIZENS BANK & TRUST COMPANY, a North Carolina chartered commercial bank,  
Defendant.

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**ORDER**

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The parties appeared this morning for a status conference.

The plaintiff was allowed to file a Second Amended Complaint [Doc. # 57] on November 4, 2014. The defendant has responded by filing a Motion to Dismiss [Doc. # 65, filed 12/20/2013] challenging the subject matter jurisdiction of the court. As discussed at the status conference this morning, the parties agree that any discovery required as a result of the Second Amended Complaint should await at least my recommendation on the Motion to Dismiss. Also in connection with the Motion to Dismiss, the plaintiff requested an opportunity to file a sur-reply in view of Affidavit of Peter D. Lindquist [Doc. # 69-1] submitted with the defendant's reply brief.

IT IS ORDERED:

(1) Further scheduling of the case is postponed pending my recommendation on the Motion to Dismiss; and

(2) The plaintiff may file, on or before March 1, 2014, a sur-reply to the Motion to

Dismiss.

Dated February 19, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge