

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

Civil Action No. 11-cv-01508-WJM-KMT

In Re: FINANCIAL TITLE COMPANY, a California Corporation,

FINANCIAL TITLE COMPANY, a California Corporation,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, and
EXECUTIVE RISK INDEMNITY, INC.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT NATIONAL
UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA'S MOTION FOR
WITHDRAWAL OF THE REFERENCE AND DEMAND FOR JURY TRIAL**

This matter is before the Court pursuant to the Motion for Withdrawal of the Reference and Demand for Jury Trial (ECF No. 1), filed by Defendant National Union Fire Insurance Company of Pittsburgh, PA ("National Union").

Plaintiff Financial Title Company filed a consent to the Motion (ECF No. 4), stating that it does not object to withdrawal of the reference. Defendant Executive Risk Indemnity, Inc. ("Executive Risk"), filed an objection (ECF No. 3), stating that it does not object to withdrawal of the reference with respect to the claims brought against National Union, but that it does object to withdrawal of the reference with respect to the claims asserted against Executive Risk. National Union filed a reply (ECF No. 9), stating that the claims asserted against Nation Union could be tried separately from the claims

asserted against Executive Risk.

Accordingly, the Court, being fully advised and having reviewed the record in this case, hereby ORDERS as follows:

National Union's Motion for Withdrawal of the Reference and Demand for Jury Trial is GRANTED IN PART. The Court finds good cause exists to withdraw the reference to the U.S. Bankruptcy Court as to Defendant National Union. Plaintiff's claims asserted against National Union shall be heard in this Court with trial to a jury.

It is FURTHER ORDERED that there is good cause to permit the adversary proceeding against Executive Risk to continue in the United States Bankruptcy Court. Therefore National Union's Motion for Withdrawal of the Reference and Demand for Jury Trial is DENIED IN PART as it pertains to Executive Risk. Plaintiff's claims asserted against Executive Risk shall continue to be heard in the United States Bankruptcy Court.

Dated this 11th day of July, 2011.

BY THE COURT:



William J. Martínez
United States District Judge