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

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

In Re: FINANCIAL TITLE COMPANY, a California Corporation,

FINANCIAL TITLE COMPANY, a California Corporation,

  Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

  Defendant.

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**ORDER DENYING DEFENDANT'S PARTIAL MOTION TO DISMISS AS MOOT AND
GRANTING DEFENDANT'S MOTION TO EXTEND TIME TO FILE ANSWER**

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This matter is before the Court on Defendant's Partial Motion to Dismiss and

Motion to Extend Time to File Answer, filed on August 10, 2011. (ECF No. 14.)

Defendant's Partial Motion to Dismiss sought dismissal of Plaintiff's first cause of

action for turnover pursuant to 11 U.S.C. § 542. (*Id.* at 2-6.)[1] On September 7, 2011,

Plaintiff filed a Notice of [Voluntary] Dismissal of First Cause of Action for Turnover

under Federal Rule of Civil Procedure 41(a)(1)(A)(I). (ECF No. 19.) On the same day,

Plaintiff filed a Response to Defendant's Partial Motion to Dismiss, explaining that

Plaintiff's voluntary dismissal of its turnover claim moots Defendant's Partial Motion to

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[1] Plaintiff also brings claims for breach of contract and declaratory judgment against
Defendant. (*See* ECF No. 3-2.)

Dismiss. (ECF No. 20, ¶¶ 1-2.)[2] The Court agrees. In accordance with the foregoing, Defendant's Partial Motion to Dismiss (within ECF No. 14) is DENIED as MOOT.

Defendant's August 10, 2011 filing also moved This Court to extend the time for Defendant to file an Answer to Plaintiff's Complaint until 14 days after the Court rules on Defendant's Partial Motion to Dismiss. (ECF No. 14, at 6-8.) In its Response, Plaintiff indicates that it is not opposed to the request. (ECF No. 20, ¶ 3.) The Court GRANTS Defendant's Motion to Extend Time to File Answer (within ECF No. 14). Defendant shall file its Answer to Plaintiff's Complaint on or before March 19, 2012.

SO ORDERED.

Dated this 5th day of March, 2012.

BY THE COURT:

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William J. Martínez
United States District Judge

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[2] Defendant did not file a Reply.