

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 12-cv-00190-PAB-KLM

JOHN M. MBAKU and
LUVIBIDILA JOLIE LUMUENEMO,

Plaintiffs,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION,
as successor by merger to BAC Home Loans Servicing, LP
f/k/a Countrywide Home Loans Servicing LP,

Defendant.

ORDER

This matter is before the Court on the Notice of On-Going State Court Proceedings and Request for Clarification of July 3, 2013 Order [Docket No. 59] filed by Intervenor-Defendant John W. Suthers, in his official capacity as Colorado Attorney General (the "Attorney General").¹

As stated in the July 3, 2013 Order, the Court denied without prejudice plaintiffs' motion for a preliminary injunction on the grounds that the Court lacks jurisdiction to "interfere with state court proceedings by granting [the] equitable relief" that plaintiffs sought. Docket No. 57 at 8, 10. The Order did not dismiss the underlying action or disclaim jurisdiction over plaintiffs' constitutional claims as a general matter. *See id.* Under Rule 120, the Court may hear a collateral challenge to the grant of an Order

¹ Although filed as a "Notice," the Court construes this document as a motion for clarification. *See* Docket No. 59 at 5.

Authorizing Sale. Colo. R. Civ. P. 120(d) (“The granting of any such motion shall be without prejudice to the right of any person aggrieved to seek injunctive or other relief in any court of competent jurisdiction”). The Order is clear on its face and does not require clarification.² Wherefore, it is

ORDERED that the Notice of On-Going State Court Proceedings and Request for Clarification of July 3, 2013 Order [Docket No. 59] filed by Intervenor-Defendant John W. Suthers, in his official capacity as Colorado Attorney General is DENIED.

DATED July 24, 2013.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

² The Attorney General also seeks, as an alternative to a written order clarifying the Court’s previous ruling, a status conference “for consideration of the matters raised by this Notice.” Docket No. 59 at 5. Given that the Order is clear on its face, the request for a status conference is denied.