

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Marcia S. Krieger

Civil Action No. 12-cv-00432-MSK-MEH

UNITED FINANCIAL CASUALTY COMPANY, an Ohio corporation,

Plaintiff,

v.

RICHARD LAPP, an individual, d/b/a Slick Spot Farm & Truck;
NATIONAL RAILROAD PASSENGER CORPORATION, a District of Columbia corporation
d/b/a Amtrak;
BNSF RAILWAY COMPANY, a Delaware corporation;
W-L ENTERPRISES, LLC, a Kansas limited liability company;
WRIGHT-LORENZ GRAIN CO., INC., a dissolved Kansas corporation;
GARY JORDAN, an individual;
WESTERN HERITAGE INSURANCE COMPANY, an Arizona corporation;
CHRISTOPHER NELSON, an individual;
BRADLEY SWARTZWELTER, an individual; and
JOHN DOES 1 through 27,

Defendants.

FINAL JUDGMENT

In accordance with orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P 58(a), the following Final Judgment is hereby entered.

Pursuant to the Opinion and Order filed on March 21, 2013, adopting the Recommendation issued by the Magistrate Judge (**Doc. #62**) to Grant defendant Lapp's Motion to Dismiss (**Doc. #40**), it is

ORDERED that the Recommendation of Magistrate Judge Hegarty (**Doc. #62**) is **ADOPTED**. United's Amended Complaint (**Doc. #34**) is DISMISSED for lack of subject matter jurisdiction under 28 U.S.C. §1332, and the case is closed. It is further

ORDERED that plaintiff is AWARDED its costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 22nd day of March, 2013.

ENTERED FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

Edward P. Butler
Deputy Clerk