

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 1:12-cv-00441-RM-KMT

CAROL SONNENBERG,  
MICHAEL SONNENBERG, and  
AMERICAN FINANCIAL SECURITIES HOLDINGS, INC.,

Plaintiffs,

v.

ERIC DAVID SIPF,  
STEPHEN S. S. HYDE,  
STEPHEN O. JAMES,  
DAVID C. BAKER,  
TAMARA S. KEFFELER, and  
FIRSTBANK HOLDING COMPANY,

Defendants,

and

ERIC DAVID SIPF,  
STEPHEN S. S. HYDE, and  
STEPHEN O. JAMES,

Third-Party Plaintiffs,

v.

JOHN C. HERBERS,  
ROBERT RUIZ-MOSS,  
JAMES LUBINSKI,  
THOMAS KELLER,  
CRAIG MAGNUSON, and  
MAGNUM ACTUARIAL GROUP, LLC,

Third-Party Defendants.

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**ORDER GRANTING THIRD-PARTY PLAINTIFF JAMES'  
MOTION TO DISMISS CLAIMS AGAINST THIRD-PARTY  
DEFENDANTS HERBERS, RUIZ-MOSS AND LUBINSKI WITH  
PREJUDICE AND AGAINST THIRD-PARTY DEFENDANTS  
KELLER, MAGNUSON AND MAGNUM ACTUARIAL GROUP, LLC  
WITHOUT PREJUDICE (ECF NO. 100)**

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THIS MATTER comes before the Court on Third-Party Plaintiff Stephen O. James'

("Third-Party Plaintiff James") Motion to Dismiss Claims Against Third-Party Defendants Herbers, Ruiz-Moss and Lubinski With Prejudice and Against Third-Party Defendants Keller, Magnuson and Magnum Actuarial Group, LLC Without Prejudice ("Motion") (ECF No. 100). No party has filed any response or objection to the Motion and the time for doing so has expired.

On June 14, 2013, upon motion filed by Plaintiffs and Third-Party Plaintiff James, this Court dismissed: (1) Plaintiffs' claims against Defendant/Third-Party James; and (2) certain third-party claims by Third-Party Plaintiff James against Third-Party Defendants with prejudice. (ECF No. 101.) Third-Party Plaintiff James' Motion seeks dismissal of his remaining third-party claims against Third-Party Defendants. Upon review of the Motion and being otherwise fully advised, it is

ORDERED that the Motion (ECF No. 100) is GRANTED; and it is

FURTHER ORDERED that Third-Party Plaintiff James' remaining third-party claims against third-party defendants Herbers, Ruiz-Moss and Lubinski are DISMISSED with prejudice; and it is

FURTHER ORDERED that Third-Party Plaintiff James' remaining third-party claims against third-party defendants Keller, Magnuson and Magnum Actuarial Group, LLC are DISMISSED without prejudice; and it is

FURTHER ORDERED that third-party defendants Kelly, Magnuson and Magnum Actuarial Group, LLC's Motion for Summary Judgment (ECF No. 99) is MOOT as to Third-Party Plaintiff James ONLY; and it is

FURTHER ORDERED that there being no remaining claims against or third-party claims by Defendant/Third-Party Plaintiff James, his name shall be removed from the caption of this action in all future filings with the Court.

Each party is to bear his or its own attorneys' fees and costs.

DATED this 16th day of July, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge