

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Richard P. Matsch**

Civil Action No. 12-cv-00859-RPM

FOREST DARYL TEMPLETON,

Plaintiff,

v.

H. THOMAS FEHN,  
ORLY DAVIDI,  
GREGORY J. SHERWIN,  
FIELDS, FEHN & SHERWIN, and  
CATLIN SPECIALTY INSURANCE COMPANY,

Defendants.

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**ORDER GRANTING DEFENDANT CATLIN SPECIALTY INSURANCE  
COMPANY'S COUNTERCLAIM**

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Pursuant to the Court's June 24, 2014 Memorandum Opinion and Order on Plaintiff's Fifth and Sixth Claims for Relief [Doc. 108], it is

ORDERED that Defendant Catlin Specialty Insurance Company's counterclaim against Plaintiff Daryl Templeton [Doc. 26 at 8-12] is granted. Catlin owes no duty under policy No. SMBD-5017-0910 to defend or indemnify Plaintiff against any claim, judgment, or arbitration award arising from his rendering or failure to render services, or from his acts, omissions or other conduct, that occurred prior to his employment with CapWest Securities, Inc., or prior to the Retroactive Date in the policy, or from his rendering or failure to render professional services, or from his acts, omissions or other conduct, that occurred during his employment with United Securities Alliance, Inc. and/or that did not involve securities

approved and authorized by and actually distributed through the Broker/Dealer, as required by the policy's insuring agreements and definition of Professional Services.

Catlin requests "costs and reasonable attorney fees as may be allowed by law." [Id. at 12.] Catlin does not cite any law supporting its request for attorneys' fees. That request is therefore denied.

Dated: August 1, 2014.

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch  
Senior District Judge