

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 12-cv-01802-REB-KLM

BITUMINOUS CASUALTY CORPORATION, an Illinois corporation,

Plaintiff,

v.

TRINITY UNIVERSAL INSURANCE COMPANY OF KANSAS, a Kansas corporation,

Defendant and Third-Party Plaintiff,

v.

AUTO-OWNERS INSURANCE COMPANY, a Michigan corporation,
AXIS SURPLUS INSURANCE COMPANY, an Illinois corporation, and
OWNERS INSURANCE COMPANY, an Ohio corporation,

Third-Party Defendants.

**ORDER OF DISMISSAL AS TO THIRD-PARTY DEFENDANT,
AXIS SURPLUS INSURANCE COMPANY, ONLY**

Blackburn, J.

The matter is before me on the **Stipulated Motion For Dismissal With Prejudice of Trinity Universal Insurance Company of Kansas' Third Party Complaint Against Axis Surplus Insurance Company, Only** [#105]¹ filed August 29, 2013. After reviewing the motion and the record, I conclude that the motion should be granted and that the Third Party Complaint of Trinity Universal Insurance Company of Kansas against third-party defendant, Axis Surplus Insurance Company, should be

¹ “[#105]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

dismissed with prejudice with each party to bear its own attorney fees and costs.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulated Motion For Dismissal With Prejudice of Trinity Universal Insurance Company of Kansas' Third Party Complaint Against Axis Surplus Insurance Company, Only** [#105] filed August 29, 2013, is **GRANTED**;

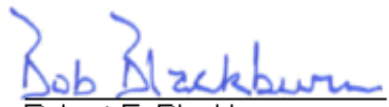
2. That Trinity Universal Insurance Company of Kansas' Third Party Complaint against third-party defendant, Axis Surplus Insurance Company, is **DISMISSED WITH PREJUDICE** with each of the affected parties to pay its own attorney fees and costs; and

3. That any motion filed on behalf of third-party defendant, Axis Surplus Insurance Company, is **DENIED** as moot; and

4. That third-party defendant, Axis Surplus Insurance Company, is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated September 3, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge