

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

BITUMINOUS CASUALTY CORPORATION, an Illinois corporation,

Plaintiff,

v.

TRINITY UNIVERSAL INSURANCE OF KANSAS, a Kansas corporation,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant's **Amended Unopposed Motion for Extension of Time to File a Response to Axis Surplus Insurance Company's Motion to Dismiss Third Party Complaint for Failure to State a Claim Pursuant to Rules 12(b)(6) and 12(d) of the Federal Rules of Civil Procedure (Doc. No. 44, Filed 02/21/13)** [Docket No. 53; Filed March 14, 2012] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion [#53] is **DENIED as moot**. The Motion to Dismiss [#44] was terminated by the Court on February 22, 2013. Further, the Court has already ordered that Defendant shall file a Response to the pending Motion to Dismiss [#48] on or before March 21, 2013. *Minute Order* [#54].

Dated: March 18, 2013