

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 COMPANY OF KANSAS, a Kansas corporation,

Defendant and Third Party Plaintiff,

v.

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

Third Party Defendants.

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**MINUTE ORDER**

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

This matter is before the Court on Third Party Defendant AXIS Surplus Insurance Company's ("AXIS") **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** [Docket No. 48; Filed February 22, 2013] (the "Motion"). On July 11, 2013, Third Party Defendant AXIS filed a Notice of Settlement [#87] between it and Third Party Plaintiff Trinity Universal Insurance Company of Kansas. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#48] is **DENIED as moot**.

Dated: July 12, 2013