

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **12-cv-02395**

**SUMMIT BANK & TRUST, a Colorado Corporation; and  
CITY CENTER WEST LP, a Colorado Limited Partnership,**  
Plaintiffs,

v.

**AMERICAN MODERN HOME INSURANCE COMPANY, an Ohio Corporation,**  
Defendant.

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**Memorandum Order and Opinion Denying Motion for Reassignment**

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Kane, J.

Before me is Defendant's Notice of Related Case and Motion for Reassignment (Doc. 11), in which Defendant moves under D.C.COLO.LCivR 40.1(c)(4) to reassign the above captioned case to Senior Judge Richard P. Matsch, who presided over related action City Center West, LP v. American Modern Home Insurance Company, United States District Court for the District of Colorado, Case No. 2012-CV-01370-RPM. Although D.C.COLO.LCivR 40.1(c)(4) provides for circumstances under which related cases may be reassigned, it does not mandate that related cases must be reassigned simply by virtue of their being related. Here, while I do find the merits of the two cases substantially intertwined, I find that fact largely irrelevant because Judge Matsch dispensed with his case on procedural grounds, not after having considered substantive issues. Accordingly, Judge Matsch sees no reason to accept transfer, and I see no reason to press for the same. I also note that, contrary to Defendant's contention, Plaintiff did indeed file a notice of related case (Doc. 7), upon receipt of which Judge Matsch declined to accept the above

captioned case then as well as now pursuant to the instant motion. Defendant's Motion for Reassignment (Doc. 11) is DENIED.

Dated: September 25, 2012

BY THE COURT:  
s/John L. Kane  
Senior U.S. District Judge