

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 12-cv-02547-RM-BNB

THE PIONEER CENTRES HOLDING COMPANY
EMPLOYEE STOCK OWNERSHIP PLAN AND TRUST
AND ITS TRUSTEES, MATTHEW BREWER,
ROBERT JENSEN AND SUSAN DUKES,

Plaintiffs,

v.

ALERUS FINANCIAL, N.A. and
BERENBAUM WEINSHIENK, P.C.,

Defendants.

ALERUS FINANCIAL, N.A.,

Third-Party Plaintiff and Counterclaim Plaintiff,

v.

MATTHEW BREWER, ROBERT JENSEN,
SUSAN DUKES, PIONEER CENTRES HOLDING COMPANY,
and RICHARD EASON,

Third-Party Defendants and Counterclaim Defendants.

ORDER

THIS MATTER comes before the Court *sua sponte*. The filing of amended motions by Third-Party Defendant Eason (ECF No. 159) and by Third-Party Defendant/Counterclaim Defendants Brewer, Jensen, Dukes and Pioneer Centres Holding Company (ECF No. 160) renders the originally filed motions (ECF Nos. 95 and 99) moot. In reviewing the amended

motions, the Court will consider the response (ECF No. 109) and replies (ECF Nos. 118 & 119) filed to the original motions. Accordingly, it is

ORDERED that Third-Party Defendant/Counterclaim Defendants Brewer, Jensen, Dukes and Pioneer Centres Holding Company's Motion to Dismiss Alerus' First and Third Claims for Relief (ECF No. 95) is denied as MOOT; and

FURTHER ORDERED that Third-Party Defendant Eason's Motion to Dismiss (ECF No. 99) is denied as MOOT.

DATED this 19th day of February, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge