

**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,

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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.

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**ORDER RE  
DEFENDANT BERENBAUM WEINSHIENK PC'S MOTION TO STRIKE (ECF NO. 314)**

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THIS MATTER is before the Court on “Defendant Berenbaum Weinshienk PC’s Motion to Strike Plaintiffs’ Corrected Response to Berenbaum’s Motion for Summary Judgment [Dkt. 313]” (“Motion to Strike”) (ECF No. 314). Upon consideration of the Motion to Strike, Plaintiffs’ “Corrected Response” (ECF No. 313), Court file, and applicable rules and case law, and being otherwise fully advised, the Court ORDERS as follows:

1. Defendant Berenbaum's Motion to Strike (ECF No. 314) is GRANTED in part and DENIED in part as stated herein;
2. "Plaintiffs' Notice re: Corrected Response to Berenbaum's Motion for Summary Judgment" (ECF No. 313) is STRICKEN except for the following two Exhibits which are hereby ACCEPTED as filed:
  - a. The Affidavit of Wayne Isaacks (ECF No. 313-6 to ECF No. 313-8); and
  - b. The Affidavit of Orin Tasini (ECF No. 313-12); and
3. Defendant Berenbaum's request for attorneys' fees and costs is DENIED.

DATED this 16th day of September, 2014.

BY THE COURT:



RAYMOND P. MOORE  
United States District Judge