

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-03107-REB-KLM

ROBERT J. DRISKELL,

Plaintiff,

v.

BRUCE R. THOMPSON, Chief Financial Officer (CFO), doing business as CFO Bruce R. Thompson Bank of America, N.A, and  
John Doe 1-100, successor by merger BAC Home Loans Serving, LP, formerly known as  
Countrywide Home Loans, LP,

Defendants.

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**FINAL JUDGMENT**

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This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Adopting Recommendation of the United States Magistrate Judge** [#47] entered by Judge Robert E. Blackburn on October 30, 2013, which order is incorporated herein by this reference.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#46], filed September 27, 2013, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendant Bruce R. Thompson's Motion To Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(5) and (6)** [#42], filed July 15, 2013, is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. That the motion is **GRANTED** insofar as it seeks dismissal of plaintiff's claims against defendant, Bruce R. Thompson, pursuant to Fed. R. Civ. P.

12(b)(6); and

b. That in all other respects, the motion is **DENIED**;

3. That plaintiff's claims against the remaining defendants, Bruce R. Thompson and John Doe 1-100, are **DISMISSED WITHOUT PREJUDICE**;

4. That judgment **SHALL ENTER** as follows:

a. On behalf of defendants, Bruce R. Thompson, Chief Financial Officer (CFO), doing business as CFO Bruce R. Thompson Bank of America, N.A.; and John Doe 1-100, successor by merger BAC Home Loans Serving, LP, formerly known as Countrywide Home Loans, LP, against plaintiff, Robert J. Driskell, on all claims for relief and causes of action asserted against him by plaintiff; provided that the judgment as to the claims against these defendants shall be without prejudice; and

b. On behalf of defendant, Bank of America, N.A., against plaintiff, Robert J. Driskell, as provided in this court's **Order Adopting Recommendation of the United States Magistrate Judge ¶ 5 at 2 [#45]**, filed September 10, 2013; and

5. That the defendants are **AWARDED** their costs to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado, this 31<sup>st</sup> day of October 2013.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Kathleen Finney  
Kathleen Finney  
Deputy Clerk