

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03150-MSK-KLM

DOUGLAS LARSON, in his capacity as Bankruptcy Trustee for the Estate of Cynthia
Coreyn Tester-Lamar,

Plaintiff,

v.

ONE BEACON INSURANCE COMPANY,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Unopposed Motion to Amend Recommendation of United States Magistrate Judge** [Docket No. 63; Filed August 29, 2013] (the "Motion"). The Motion was referred to the undersigned on September 6, 2013 [#65]. Having considered the Motion and finding good cause for amendment,

IT IS HEREBY **ORDERED** that the Motion [#63] is **GRANTED**, and the Recommendation of United States Magistrate Judge [#61] is amended as follows:

(1) The first sentence and citation in Section III.B. on page 16 is removed and replaced with:

To succeed in Colorado on a claim for common law bad faith in the third-party insurance context, the plaintiff must show that the insurance company acted "unreasonably in investigating, defending, or settling a claim brought by a third person against its insured under a liability policy." *Goodson*, 89 P.3d at 414.

(2) The second sentence in the first full paragraph on page 61 is removed up through the colon and replaced with:

For example, some of the facts asserted by the parties that may inform the finder of fact regarding the reasonableness of Defendant's settlement conduct, see *Goodson*, 89 P.3d at 414, are as follows:

These amendments do not affect the substance of the Court's analysis and do not change the outcome of the Recommendation. The parties do not seek any additional time to file objections to the Recommendation [#61] based on these amendments.

Dated: September 6, 2013