

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 13-cv-00185-REB-MJW

JACK WELLER,  
GLADYS WOODEN, and  
MATT WOODEN, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

HSBC MORTGAGE SERVICES, INC.,  
ASSURANT, INC.,  
AMERICAN SECURITY INSURANCE COMPANY, and  
JOHN DOES 1-10,

Defendants.

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**ORDER**

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**Blackburn, J.**

This matter is before me *sua sponte*. The court received and reviewed the parties' most recent **Joint Status Report** [#119],<sup>1</sup> filed March 18, 2014. The parties note that they continue to move toward settlement of the claims asserted in this lawsuit. Ultimate resolution of those claims awaits events occurring in another case filed in the United States District Court for the Southern District of Florida. The magistrate judge has granted the parties' request to continue the current stay of these proceedings in light of these circumstances. (**See Minute Order** [#120], filed March 19, 2014.)

Still pending on the court's docket in this matter, however, are four motions that grow ever more stale as the parties seek alternative resolution of their claims. In light of the age of these motions, and the apparent state of the settlement discussions – which even if ultimately

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<sup>1</sup> “[#119]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

unsuccessful, nevertheless may alter the complexion of this case – the court is of the opinion that these motions should be denied without prejudice to refile should future circumstances so indicate.

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

1. That with the consent of the magistrate judge, the orders of reference ([#32], filed April 5, 2013; [# 37], filed April 8, 2013; and [#100], filed November 19, 2013) are

**WITHDRAWN**; and

2. That the following motions are **DENIED WITHOUT PREJUDICE**:

a. the **Motion by Defendants Assurant, Inc. and American Security Insurance Company To Dismiss the Class Action Complaint** [#31], filed April 5, 2013;

b. the **Motion of Defendant HSBC Mortgage Services, Inc. To Dismiss The Complaint** [#33], filed April 5, 2013;

c. the **Motion To Certify Determinative Question of Virginia Law By Defendants Assurant, Inc. and American Security Insurance Company** [#61], filed June 11, 2013; and

d. **Defendants Assurant, Inc. and American Security Insurance Company's Motion To Dismiss Nationwide Class Allegations in Connection With Counts II and VI** [#99], filed November 15, 2013.

Dated March 19, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge