

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01376-WJM-MJW

KIMBERLY GOODMAN,

Plaintiff(s),

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendant's Motion to Modify Finding of Fact No. 5 Contained in the Court's Order Regarding Plaintiff's Motion to Compel Production of the Claim File (docket no. 54)[docket no. 69] is GRANTED for the following reasons.

This Court has reviewed the subject motion (docket no. 69), the response (docket no. 75 and 78) and has taken judicial notice of the court's file. In addition, this court has reviewed this Court's Order Regarding Plaintiff's Motion to Compel Production of the Claim File (docket no. 36) [docket no. 54]. After such review, this Court finds that my finding "*That on April 22, 2013, Defendant denied Plaintiff's claim for uninsured/underinsured motorist coverage benefits*" is unsupported by the evidence and should be stricken from my findings in No. 5 in my Order Regarding Plaintiff's Motion to Compel Production of the Claim File (docket no. 36)[docket no. 54]. This Court further finds that exhibits B, C, D, E, and F attached to the subject motion (docket no. 69) clearly support this Court's finding to strike my finding in No. 5 "*That on April 22, 2013, Defendant denied Plaintiff's claim for uninsured/underinsured motorist coverage benefits*" as being unsupported by the evidence.

Accordingly, it is FURTHER ORDERED that the first sentence in Finding of Fact No. 5 contained in this Court's Order Regarding Plaintiff's Motion to Compel Production of the Claim File (docket no. 36) [docket no. 54] is STRICKEN, such that Findings of Fact and Conclusions of Law No. 5 shall now read:

Thereafter, on May 7, 2013, Plaintiff filed her Complaint against Defendant in the El Paso County District Court captioned Kimberly Goodman v. State Farm Mutual Automobile Insurance Company, Case No. 2013cv20066.

Date: February 11, 2014
