

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

Civil Action No. 13-cv-02222-REB-MEH

JAMES E. BATES, individually, and  
acting as managing partner of JAMES EDWARDS BATES, LLC, a Colorado limited  
liability corporation,

Plaintiffs,

v.

ROBERT STUART MCCORMICK, and  
JOSEPH P. FONFARA,

Defendants.

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**ORDER OF REMAND TO STATE COURT**

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**Blackburn, J.**

This matter is before me on the following: (1) **Amended Plaintiff's Motion for Abstention and Remand** [#10]<sup>1</sup> filed September 19, 2013; and (2) **Defendant Robert S. McCormick's Consent and Joinder in Plaintiff's Motion for Abstention and Remand** [#16] filed October 16, 2013. Defendant Joseph P. Fonfara did not file a response to the motion to remand. I grant the motion to remand.

In his most recent filing [#16], defendant Robert S. McCormick consents to and effectively stipulates to the relief sought in the plaintiffs' motion for remand [#10]. After careful review of the motion, Mr. McCormick's consent, and the file, I conclude that the motion to remand should be granted and this action should be remanded to the District Court, Adams County, Colorado.

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<sup>1</sup> “[#10]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

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

1. That the **Amended Plaintiff's Motion for Abstention and Remand** [#10] filed September 19, 2013, is **GRANTED**;

2. That the request for a remand as stated in **Defendant Robert S. McCormick's Consent and Joinder in Plaintiff's Motion for Abstention and Remand** [#16] filed October 16, 2013, is **GRANTED**;

3. That after consultation with the magistrate judge, the memorandum [#11] referring to the magistrate judge the **Amended Plaintiff's Motion for Abstention and Remand** [#10] filed September 19, 2013, is **WITHDRAWN**; and

4. That this action is **REMANDED** to the District Court, Adams County, Colorado, (where it was filed as Civil Action No. 2011CV577).

Dated October 25, 2013, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge