

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-00137-CMA-MJW

FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for
UNITED WESTERN BANK,

Plaintiff,

v.

CHARLES J. BERLING,
JAMES H. BULLOCK,
ANTHONY C. CODORI,
BERNARD C. DARRÉ,
GARY G. PETAK,
WILLIAM D. SNIDER,
CINDY J. STERETT,
JOHN S. UMBAUCH, and
SCOT T. WETZEL,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES**

On October 14, 2014, Plaintiff Federal Deposit Insurance Corporation, as Receiver for United Western Bank ("FDIC-R"), moved to strike certain affirmative defenses asserted by Defendants in their answer to the FDIC-R's complaint. (Doc. # 48.) Defendants oppose the FDIC-R's motion. (Doc. # 52.)

Recently, the Court granted the parties' joint motion to amend the scheduling order, which extended the discovery cut-off to September 4, 2015, for the limited purpose of conducting expert witness depositions. (Doc. # 99.) All other discovery was completed by August 14, 2015. Dispositive motions are due by September 19, 2015,

and the Court recently granted the parties' joint motion to file additional pages for summary judgment motions, responses, and replies. (Doc. # 100.)

Taking into consideration that fact discovery has concluded and expert witness discovery is about to conclude, and that the parties are preparing dispositive motions to be filed by September 19, 2015, the Court believes that it is in the interests of judicial economy for the parties to address in their summary judgment motions the issues that the FDIC-R raises in its motion to strike certain affirmative defenses. The Court believes that it will be more efficient to consider those issues in conjunction with the issues raised in the summary judgment motions, assuming that, at this advanced stage of the litigation, the parties still believe that the issues raised in the motion to strike are pertinent to the litigation.

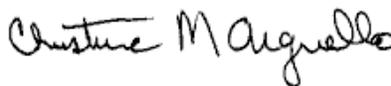
Therefore, it is hereby

ORDERED that the FDIC-R's Motion to Strike Affirmative Defenses (Doc. # 48) is DENIED WITHOUT PREJUDICE; and it is

FURTHER ORDERED that the parties may address in their dispositive motions the issues raised in the FDIC-R's Motion to Strike Affirmative Defenses.

DATED: August 26, 2015

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge