

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-00947-RM-MJW

CENTURY SURETY COMPANY, an Ohio corporation,

Plaintiff,

v.

WILLIAM R. SMITH, an individual,
LORENA GARCIA, for herself and as the Personal Representative of the Estate of Reyes Garcia,
and
ST. PAUL FIRE & MARINE INSURANCE COMPANY, a Minnesota corporation,

Defendants.

ORDER

This matter is before the Court on the Stipulated Motion for Dismissal of All Claims Among and Between St. Paul Fire & Marine Insurance Company and William R. Smith (the “Stipulated Motion”)¹ (ECF No. 215), requesting the dismissal of all crossclaims between Defendants St. Paul Fire & Marine Insurance Company and William R. Smith, with prejudice, along with the dismissal of Defendant Lorena Garcia, for herself and as the Personal Representative of the Estate of Reyes Garcia, with prejudice.² Upon consideration of the Stipulated Motion, the Notice (ECF No. 210) notifying the Court of these parties’ settlement and

¹ The parties are reminded that all pleadings and documents shall be double spaced. D.C.COLO.LCivR 10.1(e).

² Defendant Smith has assigned his claims to Defendant Garcia.

the matters which are now moot, the Court's Order of February 16, 2016 (ECF No. 213), relevant portions of the Court file, and being otherwise fully advised, the Court **ORDERS** as follows:

- (1) The Stipulated Motion for Dismissal of All Claims Among and Between St. Paul Fire & Marine Insurance Company and William R. Smith (ECF No. 215) is **GRANTED**;
- (2) Defendant St. Paul Fire & Marine Insurance Company's crossclaims against Defendant William R. Smith are **DISMISSED WITH PREJUDICE**;
- (3) Defendant William R. Smith's crossclaims against Defendant St. Paul Fire & Marine Insurance Company are **DISMISSED WITH PREJUDICE**;
- (4) To the extent there are any crossclaims asserted between Defendant St. Paul Fire & Marine Insurance Company and Defendant Lorena Garcia, for herself and as the Personal Representative of the Estate of Reyes Garcia, such crossclaims are **DISMISSED WITH PREJUDICE**;
- (5) Defendants William R. Smith and Lorena Garcia, for herself and as the Personal Representative of the Estate of Reyes Garcia, are **DISMISSED WITH PREJUDICE** and their names will be removed from the caption in all future filings with the Court;
- (6) Defendants St. Paul Fire & Marine Insurance Company, William R. Smith, and Lorena Garcia, for herself and as the Personal Representative of the Estate of Reyes Garcia, as among and between themselves, shall each bear its, his, or her own attorneys' fees and costs;

(7) Defendant St. Paul Fire & Marine Insurance Company's Motion for Summary Judgment (ECF No. 140) is **DENIED IN PART AS MOOT** as to Defendant William R. Smith **ONLY**; and

(8) The parties remaining in this action are Plaintiff Century Surety Company and Defendant St. Paul Fire & Marine Insurance Company, and the only motion remaining for the Court's resolution is Defendant St. Paul Fire & Marine Insurance Company's Motion for Summary Judgment (ECF No. 140) as against Plaintiff Century Surety Company.

DATED this 25th day of February, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge