

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 14-cv-02348-RPM

VICTORIA FIRE & CASUALTY COMPANY,

Plaintiff,

v.

BLANCA L. BAUTISTA, an individual;
CARLOS ESCOBAR BAUTISTA, an individual;
JOSE DOMINGUEZ, as Parent and Next Friend of Daughter,
MONIQUE DOMINGUEZ; an individual;
DAMIEN CHURCHWELL, an individual;
KEVIN CHURCHWELL, an individual;
EMMYTH NUNEZ, an individual;
MENDOTA INSURANCE COMPANY,

Defendants.

ORDER CONVERTING MOTION TO DISMISS TO MOTION FOR SUMMARY
JUDGMENT AND FOR HEARING

On November 17th, 2014, the plaintiff, Victoria Fire and Casualty Company, filed a motion to dismiss the counterclaim of Jose Dominguez on behalf of Monique Dominguez pursuant to Fed.R.Civ.P. 12(b)(6). Doc. [28]. The motion has been fully briefed. Because the motion and briefing includes in exhibits matters that are not within the allegations of the counterclaim, the motion to dismiss is converted to a motion for summary judgment under Rule 56. Applying that standard, it is

ORDERED that the motion for summary judgment will be scheduled for hearing at a time to be agreed by counsel.

DATED: January 14th, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge