

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

Date: October 21<sup>st</sup>, 2014  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 14-cv-02369-RPM

TRACY CHECKLEY, individually and  
on behalf of her minor child James Checkley,

David O. Hansen

Plaintiff,

v.

ALLIED PROPERTY CASUALTY INSURANCE COMPANY,

Christa L. Rock

Defendant.

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**COURTROOM MINUTES**

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**Hearing on Motion to Dismiss**

**10:47 a.m. Court in session.**

Court's preliminary remarks.

Court suggestion regarding how to proceed to in order cure filing irregularities/ deficiencies.

Statement by Ms. Rock.

**Counsel agree to accept arguments and exhibits raised in the response [13] to the motion dismiss [12] and to incorporate them in the Complaint [5], to construe the filings in there entirety as an Amended Complaint.**

Argument by Ms. Rock.

**ORDERED: Plaintiff's claims for bad faith and unreasonable delay are dismissed.**

Argument by Mr. Hansen.

Court makes oral findings as stated on record.

**ORDERED: Defendant's Motion to Dismiss Pursuant to Fe.R.Civ.P. 12(b)(6), is granted.**

Argument by Ms. Ms. Rock regarding attorney fees.

**ORDERED: Defendant's motion for attorney fees and costs is denied.**

**11:32 a.m. Court in recess.** Hearing concluded. Total time: 45 min.