

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

Civil Action No. 14-cv-02522-RPM

SECURITY NATIONAL INSURANCE COMPANY,

Plaintiff,

v.

CHARLES MOORE DBA MOORE CONSTRUCTION, an individual, and
WILLOW PARK APTS, LLC,

Defendants.

ORDER OF DISMISSAL OF DEFENDANT WILLOW PARK APTS, LLC

The defendant filed a motion for leave to amend the answer to assert a counterclaim for declaratory relief of coverage of insurance issued by the plaintiff to Charles Moore DBA Moore Construction for damage done to the defendant's building by Moore. Charles Moore is in default in this case in which the plaintiff seeks a declaratory judgment that it correctly rescinded the policy based on material false representations in the application for the policy. The whereabouts of Charles Moore are unknown. Willow Park Apts, LLC, has no standing to challenge the claim against Moore and is not a proper party in this action because it has not brought a claim against Moore. Accordingly, on the Court's own motion it is

ORDERED that the motion for leave to amend [Doc. 17] is denied and this civil action is dismissed without prejudice as to defendant Willow Park Apts, LLC.

Dated: August 10th, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge