

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00108-MSK-NYW

AMERICAN GENERAL LIFE INSURANCE COMPANY,

Plaintiff,

v.

HAROLD A. HENTHORN,
ESTATE OF TONI B. HENTHORN a/k/a TONI BERTOLET, and
GARY CLEXTON, as Special Administrator of the
Estate of Toni Br. Henthorn a/k/a Toni Bertolet,

Defendants.

ORDER

Magistrate Judge Nina Y. Wang

This matter comes before the court on the Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(1) or Alternatively, for Return of This Matter to the Docket of Judge R. Brooke Jackson, by Barbara E. Cashman, Guardian *Ad Litem* for H.N.H., Proposed Intervenor-Defendant (“Cashman Motion to Dismiss”) [#74] filed on August 4, 2015. This motion was referred to the undersigned Magistrate Judge pursuant to the Order of Reference dated April 27, 2015 [#45] and the Memorandum dated September 1, 2015 [#80].

Chief Judge Krieger denied Ms. Cashman’s Motion to Intervene [#12] by Opinion and Order dated September 23, 2015. [#82]. Thus, Ms. Cashman was not a party to this action when she filed the Cashman Motion to Dismiss and is not now a party to this action; accordingly, she had and currently has no standing to file any motion, including the pending Cashman Motion to Dismiss. *See UFCW Local 880-Retail Food Emp’rs Joint Pension Fund v. Newmont Mining*

Corp., Civil Action Nos. 05-cv-01046-MSK-BNB, 05-cv-01100-MSK-CBS, 05-cv-01141-MSK-BNB, 2007 WL 2871013, *4 (D. Colo. Sept. 26, 2007).

IT IS ORDERED that:

- (1) The Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(1) or Alternatively, for Return of This Matter to the Docket of Judge R. Brooke Jackson, by Barbara E. Cashman, Guardian *Ad Litem* for H.N.H., Proposed Intervenor-Defendant [#74] is **STRICKEN**.

DATED: October 14, 2015

BY THE COURT:

s/Nina Y. Wang
United States Magistrate Judge