

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

Civil Action No. 15-cv-02822-RPM

JILL JONES-BIRD,

Plaintiff,

v.

ALLSTATE FIRE & CASUALTY INSURANCE COMPANY,

Defendant.

ORDER ON MOTIONS

Pursuant to the hearing held today, it is

ORDERED that the plaintiff's motion for leave to amend complaint [Doc. 17] is granted and the amended complaint [Doc. 17-3] is filed as the plaintiff's amended complaint, and it is

FURTHER ORDERED that the third claim for relief is dismissed because it is a claim for a penalty and is barred by the one-year statute of limitations and it is

FURTHER ORDERED that the defendant's motion to dismiss the second claim for relief is denied under Fed. R. Civ. P. 12(b)(6) with the date for accrual of that claim to be determined at trial.

DATED: February 9, 2016

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge