

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-01256-REB-NRN

CROSSROADS AMERICAN BAPTIST CHURCH,

Plaintiff,

v.

GUIDEONE MUTUAL INSURANCE COMPANY,

Defendant.

ORDER AND REPORT AND RECOMMENDATION

Entered by Magistrate Judge N. Reid Neureiter

Before this Court are two motions: (1) Defendant Guideone Mutual Insurance Company's ("Guideone") Motion to Dismiss for Lack of Standing, Dkt. #51, referred to the Court by Judge Robert E. Blackburn, Dkt. #52; and (2) Plaintiff Crossroads American Baptist Church's ("Crossroads") Fourth Motion for Extension of Time to Respond to Defendant's Partial Motion for Summary Judgment (Breach of Contract) and Defendant's Motion for Summary Judgment as to Plaintiff's Second and Third Claims for Relief (Bad Faith), Dkt. #67 ("Fourth Motion for Extension of Time"), also referred to the Court by Judge Blackburn, Dkt. # 70.

On October 16, 2019, I heard oral argument by the parties on US General, LLC's Motion to Permit Joinder, Dkt. #61, referred to the Court by Judge Blackburn, Dkt. #62, and Guideone's Motion to Dismiss for Lack of Standing. Having considered the briefs, Dkt. ##51, 60 & 68; 61 & 69, and oral argument on both motions, I granted the Motion to Permit Joinder, ordered that US General, LLC be added as a Plaintiff, and reserved ruling on the Motion to Dismiss until the parties submitted either a stipulation or briefing on the issues remaining with respect to the Motion to Dismiss. See Dkt. #71.

On October 25, 2019, in accordance with my order at the hearing, Crossroads and Guideone submitted a Stipulation to Dismiss Plaintiff Crossroads American Baptist Church and Second Claim for Relief, Dkt. #74, in which the parties stipulated to the dismissal of Crossroads, and that the claim for common law bad faith also be dismissed with prejudice.

Accordingly, with respect to Guideone's Motion to Dismiss, Dkt. #51, this Court RECOMMENDS the following:

1. That Crossroads American Baptist Church be dismissed;

2. That Crossroads American Baptist Church be removed from the caption; and
3. That the Second Claim for Relief (common law bad faith) be dismissed with prejudice with Crossroads and Guideone each to bear its own costs and fees.

Crossroads and Guideone also filed a Stipulation to Extend Deadlines to Respond to Guideone's Motions for Summary Judgment, Dkt. #73, in which the parties stipulated that US General, LLC was substituted as a plaintiff and as such will be required to respond to Guideone's motions for summary judgment. *Id.* The parties also stipulated to deadlines for US General to respond and Guideone to reply. See Dkt. #73. The Court construes the parties' stipulations to mean that Guideone's objection to the Fourth Motion for Extension of Time is withdrawn, making such motion unopposed.

Accordingly, it is ORDERED that the Fourth Motion for Extension of Time to Respond to Defendant's Partial Motion for Summary Judgment (Breach of Contract) and Defendant's Motion for Summary Judgment as to Plaintiff's Second and Third Claims for Relief (Bad Faith), Dkt. #67, is GRANTED finding good cause shown.

It is further ORDERED that US General is directed to respond to Guideone's motions for summary judgment, Dkt. ##28 & 30, on or before December 13, 2019, and Guideone is directed to submit its reply, if any, on or before December 20, 2019.

Date: October 29, 2019
