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Attorneys for Plaintiff, AXIS Surplus Insurance Company

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

AXIS SURPLUS INSURANCE COMPANY,

Plaintiff,

ROBERT D. GERINGER; KIRBY D.
COCHRAN; ROBERT CLAWSON;
DOUGLAS W. CHILD; JEFF AUSTIN;
WILLIAM H. DAVIDSON; WILLIAM J.
WARWICK; WILLIAM GRUNDY; and
KEITH GREEN,

Defendants.

Civil Case No. 2:14-cv-00244-DAK

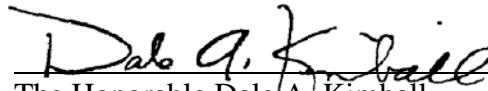
**ORDER GRANTING AXIS' MOTION
FOR AN ORDER GRANTING ITS
NOW UNOPPOSED MOTIONS FOR
SUMMARY JUDGMENT AND TO
SUPPLEMENT THE RECORD, AND
TO STRIKE THE SEPTEMBER 9, 2015
HEARING DATE**

This matter having come before the Court on AXIS Surplus Insurance Company's ("AXIS") Motion for an Order granting its now unopposed Motions for Summary Judgment and to Supplement the Record, and to Strike the September 9, 2015 Hearing Date (the "Motion"), with due notice having been given, and the Court having considered the Motion, any opposition thereto, and the entire record, it is hereby:

1. **ORDERED** that AXIS' Motion [Docket No. 134] is **GRANTED**;
2. **ORDERED** that the September 9, 2015 Hearing Date is **STRICKEN**;
3. **ORDERED** that AXIS' Motion to Supplement the Record [Docket No. 125] is **GRANTED**;
4. **ORDERED** that AXIS' Motion for Summary Judgment [Docket No. 41] is **GRANTED**;
5. **ORDERED** that the Trustee's and Defendant Warwick's Rule 56(d) Motions [Docket Nos. 63, 67] are **WITHDRAWN**;
6. **ORDERED** that AXIS is hereby **DISMISSED** from this action for interpleader;
7. **ORDERED** that AXIS, having deposited the full \$589,661.61 in remaining policy proceeds (the "Policy Proceeds") under Policy No. EAN756858/01/2010 (the "Policy") into the registry of the Court, is hereby discharged and released from any further liability with respect to the Policy Proceeds, the Policy, AXIS' obligations to any Insured or claimant with respect to the Policy or the Policy Proceeds (pursuant to contract, statute, common law, or otherwise), and the underlying claims brought by the post-confirmation estate representative of Castle Arch Real Estate Investment Company, LLC and its affiliates (the "Trustee") against the Defendants (the "Underlying Claim"); and

8. **ORDERED** that, pursuant to 28 U.S.C. § 2361, the Defendants, the Trustee, and all other Insureds or claimants to the Policy and/or the Policy Proceeds are permanently enjoined from instituting or prosecuting any action or proceeding against AXIS with respect to the Policy Proceeds, the Policy, AXIS' obligations to any Insured or claimant with respect to the Policy or the Policy Proceeds (pursuant to contract, statute, common law, or otherwise), and the Underlying Claim.

DATED September 1, 2015


The Honorable Dale A. Kimball
United States District Court Judge