

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: April 15, 2021
Original Proceeding Court of Appeals, 2020CA246 District Court, El Paso County, 2016CV268	
In Re:	Supreme Court Case No: 2021SA26
Plaintiff-Appellant: Kevin J. Henry, v.	
Defendants-Appellees: Bank of New York Mellon f/k/a the Bank of NY, as Trustee of CWALT 2005-J12 and Sheila Polkow, as Successor in interest to the Estate of Gary Polkow, Deceased.	
ORDER OF COURT	

Upon consideration of Plaintiff's Petition for Rule to Show Cause Pursuant to C.A.R. 21, this Court's Order and Rule to Show Cause, the District Court's Response to the Order to Show Cause, and Plaintiff's Reply Brief, and being sufficiently advised in the premises,

IT IS HEREBY ORDERED that the Rule to Show Cause is made ABSOLUTE. Although this Court acknowledges a legitimate question as to whether the District Court's orders summarily dismissing Plaintiff's claims and dismissing without prejudice the counterclaims filed by Defendant Sheila Polkow resulted in the entry of a final judgment against Plaintiff, the Court of Appeals

division's order concluding otherwise constitutes the law of the case and is binding on the District Court. Accordingly, the case is remanded to the District Court with instructions that that Court enter an order, pursuant to C.R.C.P. 54(b), expressly finding that there is no just reason for delay, expressly directing the entry of final judgment, and entering a final judgment, so that Plaintiff may pursue his appeal in the Colorado Court of Appeals.

BY THE COURT, APRIL 15, 2021.