

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 02-cv-01559-RPM

LEPRINO FOODS COMPANY,

Plaintiff,

v.

FACTORY MUTUAL INSURANCE COMPANY,

Defendant.

ORDER DENYING DEFENDANT'S POST JUDGMENT MOTIONS

Judgment entered in this civil action on March 17, 2009. On March 27, 2009, the defendant Factory Mutual Insurance Company filed (1) a Motion for New Trial under Fed.R.Civ.P. 59(a), (2) a Renewed Motion for Judgment as a matter of Law, renewing a motion made under Fed.R.Civ.P. 50, now considered as an additional motion for new trial under Rule 50 (b)(2) and (3) a Motion to Amend Judgment to reduce the amount of damages by off-setting the gross amount of 2.4 million dollars obtained by Leprino Foods Company in settlement of a civil action for negligence filed against Gress Poultry, Inc. et al in the Eastern District of Pennsylvania. The plaintiff has responded to each of these motions.

The defendant has offered no new material in these motions and has simply reasserted positions that the Court fully considered before the entry of judgment. Accordingly, it is

ORDERED that the defendant's motions are denied.

DATED: May 21st, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge