

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 05-cv-00026-CMA-KLM

PLATT T. HUBBELL, and
KELLEY S. HUBBELL,

Third-Party Plaintiffs,

v.

CARNEY BROTHERS CONSTRUCTION, a Colorado corporation,
IAN CARNEY,
RICHARD CARNEY,
TEAMCORP, INC. d/b/a DRAFT TEK, a Colorado corporation,
T.J. CONCRETE CONSTRUCTION, INC., a Colorado corporation, and
KERRY M. KARNAN,

Third-Party Defendants.

**ORDER GRANTING STIPULATED MOTION TO VACATE
THE AUGUST 16, 2012 AND AUGUST 17, 2012 HEARING ON THE TRAVERSE
AND TO SUBMIT THE CASE ON STIPULATED FACTS AND BRIEFS**

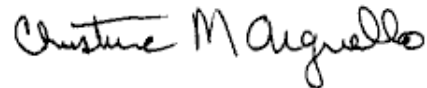
This matter is before the Court on the parties' Stipulated Motion to Vacate the August 16, 2012 and August 17, 2012 Hearing on the Traverse and to Submit the Case on Stipulated Facts and Briefs (Doc. # 655). Having reviewed the Stipulation and being fully advised in the premises, it is hereby

ORDERED that the Stipulation is GRANTED and made an Order of this Court. The parties shall agree on a stipulated statement of facts on or before August 10, 2012. Thereafter, the parties shall file simultaneous submissions on August 16, 2012 by 5:00 PM, which may be supported by affidavits, if necessary. The simultaneous submissions

filed on August 16, 2012 shall not exceed 25 pages. Thereafter, on or before September 6, 2012, the parties may file rebuttal briefs by 5:00 PM simultaneously, not to exceed 15 pages. Accordingly, the two-day hearing on the traverse set for August 16 and 17, 2012 is VACATED, provided that the parties file a stipulated statement of facts **no later than August 10, 2012**. The Court shall then decide the matter on the briefs. The Court may address the issue of oral argument *sua sponte* and will address any motion requesting oral argument in due course.

DATED: August 07, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge