

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

CIVIL ACTION NO. 05-cv-02103-REB-CBS

STATE FARM FIRE AND CASUALTY COMPANY,  
Individually and as Subrogee of Aleja,

Plaintiffs,

vs.

HIGH MARK DEVELOPMENT, INC.  
KINDER MORGAN, INC.

Defendants,

HIGH MARK DEVELOPMENT, INC.

Third Party Plaintiff,

vs.

NORTH AMERICAN CAPACITY INSURANCE  
COMPANY,

Third Party Defendant,

KINDER MORGAN, INC.,

Third Party Plaintiff,

vs.

R.W. LYALL & COMPANY, INC.,

Third Party Defendant.

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**ORDER**

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THIS MATTER, having come before the Court on the Parties' Stipulation and the Court having reviewed the Stipulation and otherwise being fully advised in the premises, hereby does ORDER as follows:

1. The Stipulation is approved and its terms are made an Order of this Court.
2. Each party shall bear its own costs and fees.

Dated at Denver, Colorado this 31<sup>st</sup> day of October, 2006.

**BY THE COURT:**

**s/ Robert E. Blackburn**  
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**Robert E. Blackburn**  
**United States District Judge**