

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 07-cv-00030-RPM

JRFCO, L.L.C., a Colorado Limited Liability Company,

Plaintiff,

v.

AHMAD PIRAYESH, individually and d/b/a Minute Cleaners;
ROSA CORRAL, individually and d/b/a Rainbow Cleaners; and
NIDIO RIOS, individually and d/b/a Rainbow Cleaners,

Defendants,

and

MICHAEL KAPATAYES a/k/a MICHEL KAPATAYES, individually and
d/b/a Rainbow Cleaners;
PETER KAPATAYES, individually and d/b/a Rainbow Cleaners;
KHRISTO KAPATAYES, individually and d/b/a Rainbow Cleaners;
KEITY KAPATAYES a/k/a KEITY ELIAS, individually and d/b/a Rainbow Cleaners;
GABY KAPATAYES, individually and d/b/a Rainbow Cleaners;

Defendants and Third-Party Plaintiffs,

v.

MAHONEY ENVIRONMENTAL CONSULTING, INC.,

Third-Party Defendant.

ORDER FOR HEARING

This civil action has been languishing under a plethora of parties and pleadings since the complaint was filed on January 4, 2007. The plaintiff JFRCO, a Colorado Limited Liability Company seeks remedies under federal and state statutes and Colorado common law for claimed contamination of property within a shopping center in Westminster, Colorado, which it now owns, against all those who have in any way been involved in ownership or operation of a dry cleaning business since the shopping center was developed by prior owners in 1984. A series of leases, beginning in October, 1984, with multiple assignments form the core allegations of the complaint.

The answers, counterclaims, cross-claims and motions filed by the defendants challenge the factual allegations. It is apparent that there is uncertainty as to the timing and manner of release of the chemical that is claimed to be hazardous waste requiring remediation. Given the time that has passed since the complaint was filed the Court requires information concerning the current status of the property and the positions of the Environmental Protection Agency and the Colorado Department of Public Health and Environment. Accordingly, a hearing will be held to be attended by counsel for all parties and the *pro se* defendants Rosa Corral and Nidio Rios. At the hearing, the Court will address the motion to dismiss filed by Keity Elias (Doc. #14), the Motion to Dismiss filed by Ahmad Pirayesh (Doc. #49) and the motion to dismiss the third-party complaint filed by Mahoney Environmental Consulting (Doc. #64). The Court will also give directions concerning the development of a Rule 16 Scheduling Order. It is

ORDERED that a hearing will be held on **July 24, 2009, at 10:00 a.m.** in Courtroom A, Second Floor, the Byron White United States Courthouse, 1823 Stout Street, Denver, Colorado.

DATED: June 26th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge