

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 07-cv-01355-LTB-MJW

UNITED STATES OF AMERICA FOR THE USE AND BENEFIT OF SUN
CONSTRUCTION COMPANY, INC., a Colorado corporation;

Plaintiff,

and

FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation,

Intervenor Plaintiff,

v.

TORIX GENERAL CONTRACTORS, LLC, a Colorado limited liability company f/k/a
Alliance General Contractors, LLC, and ST. ANDREWS/ALLIANCE JOINT VENTURE, a
joint venture,

Defendants and Counterclaimants

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a Connecticut
corporation,

Defendants.

ORDER

THIS MATTER is before me on several motions filed by the parties. On November 1, 2010, I heard arguments on the following motions: Plaintiff's Motion in Limine, filed October 12, 2010 (docket #213); Intervenor Plaintiff's Motion to Strike Expert Testimony of Richard Kerr Under Fed. R. Evid. 702, filed October 15, 2010 (docket #215); Defendants' Motion in Limine to Exclude Evidence of Personal or Business Hardships Suffered by Sun Construction or its Principals, filed October 21, 2010 (docket #217); Plaintiff's Motion to Compel Supplemental Mandatory Disclosures,

filed October 25, 2010 (docket #225); and Intervenor Plaintiff's Cross Motion to Compel, filed October 29, 2010 (docket #233). For the reasons stated on the record, it is
HEREBY ORDERED AS FOLLOWS:

Plaintiff's Motion in Limine, filed October 12, 2010 (docket #213) is **DENIED WITHOUT PREJUDICE** to be addressed at the appropriate time during trial if necessary;

Intervenor Plaintiff's Motion to Strike Expert Testimony of Richard Kerr Under Fed. R. Evid. 702, filed October 15, 2010 (docket #215) shall be addressed at the appropriate time during trial;

Defendants' Motion in Limine to Exclude Evidence of Personal or Business Hardships Suffered by Sun Construction or its Principals, filed October 21, 2010 (docket #217) is **DENIED WITHOUT PREJUDICE** to be addressed at the appropriate time during trial if necessary;

Plaintiff's Motion to Compel Supplemental Mandatory Disclosures, filed October 25, 2010 (docket #225) is **DENIED**; and

Intervenor Plaintiff's Cross Motion to Compel, filed October 29, 2010 (docket #233) is **DENIED**.

Dated: November 1, 2010.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge