

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 08-cv-00248-REB-BNB
(Consolidated with Civil Action No. 08-cv-00359-REB-BNB)

WHITE RIVER VILLAGE, LLP,

Plaintiff,

v.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Maryland corporation,

Defendant/Third-Party Plaintiff,

v.

JONATHAN REED & ASSOCIATES, INC., et al.,

ORDER GRANTING MOTION TO BIFURCATE

Blackburn, J.

This matter is before me on **White River's Uncontested Motion To Bifurcate Claims for Attorneys Fees** [#122] filed October 17, 2008. I grant the motion.

At a hearing on motions to compel held by the magistrate judge, the plaintiffs and the defendant stipulated and agreed that their claims against each other for attorney fees and legal costs should be resolved post-trial, rather than at trial. Implicitly, the parties assert that these claims properly are resolved by the court and not by a jury. I agree.

THEREFORE, IT IS ORDERED as follows:

1. That **White River's Uncontested Motion To Bifurcate Claims for Attorneys Fees** [#122] filed October 17, 2008, is **GRANTED**;

2. That the claims of the plaintiffs against the defendant for attorney fees and legal costs, and the claims of the defendant against the plaintiffs for attorney fees and legal costs **SHALL BE** resolved by the court, if necessary, after trial of this case is complete.

Dated March 23, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge