

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

Civil Case No. 08-cv-00774-LTB-CBS

RE/MAX INTERNATIONAL, INC.,

Plaintiff,

v.

FIRST AMERICAN RESIDENTIAL GROUP, INC., a Delaware corporation,

Defendant.

ORDER

For the reasons set forth on the record at the trial preparation conference held on October 6, 2009, IT IS HEREBY ORDERED as follows:

1. By stipulation of the parties, Plaintiff's Second Claim for Relief for unjust enrichment is DISMISSED WITH PREJUDICE;

2. Plaintiff withdraws its demand that this case be tried to a jury and Defendant is in agreement that the case should be tried to the court. As a result, a **five-day trial to the court** in this case shall commence on **November 2, 2009 at 9:00 a.m.**; and

3. On or before **October 6, 2009**, the parties shall file (1) one hard copy of each deposition transcript to be introduced at trial with designations by Plaintiff highlighted in blue, designations by Defendant highlighted in yellow, and objections highlighted in red with an interlineation as to the basis for the objection indicated; (2) proposed draft Findings of Fact and Conclusions of Law; (3) short trial briefs highlighting any evidentiary issues that the parties

anticipate will arise during the trial; (4) and updated exhibit lists reflecting stipulations and objections.

Dated: October 6, 2009 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, JUDGE