

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

Civil Case No. 08-cv-00855-LTB-KMT

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LA PLATA,
COLORADO,

Plaintiff,

v.

BROWN GROUP RETAIL, INC.,
PLUMMER PRECISION OPTICS CO.,
BLUE JAUNTE COMPANY, INC., and
PLUMMER PRECISION OPTICS WESTERN DIVISION, INC.,

Defendants.

ORDER

As further set forth on the record at the hearing held on August 20, 2010, IT IS HEREBY
ORDERED:

1. Defendant Brown Group Retail, Inc.'s ("Brown Group") Motion for Summary Judgment on Plaintiff's Claim for Civil Penalties under RCRA [Doc # 179] is taken under advisement;
2. Defendant Brown Group's Motion for Summary Judgment on Plaintiff's Claim for Recovery of Attorneys' Fees [Doc # 180] is taken under advisement;
3. Defendant Brown Group's Motion for Summary Judgment on Plaintiff's Fifth Claim for Relief [Doc # 182] is DENIED;
4. Defendant Brown Group's Motion for Summary Judgment (No Joint and Several Liability Under CERCLA) [Doc # 183] is DENIED;

5. Defendant Brown Group's Motion for Summary Judgment on La Plata County's Liability and Its Third-Party Defense Under CERCLA [Doc # 184] is DENIED;

6. Plaintiff The Board of County Commissioners of the County of La Plata, Colorado's Motion for Summary Judgment on RCRA and CERCLA Liability [Doc # 187] is DENIED; and

7. The parties shall file updated witness and exhibit lists; proposed findings of fact and conclusions of law; and trial memoranda regarding objections under Fed. R. Evid. 702 on or before September 8, 2010.

Dated: August 23, 2010.

BY THE COURT:

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