

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Case No. 08-cv-02139-LTB-KLM

ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

Plaintiff,

v.

ALSTOM POWER, INC.,
TIC - THE INDUSTRIAL COMPANY,
ZURICH AMERICAN INSURANCE COMPANY,

Defendants.

ORDER AND FINAL JUDGMENT PURSUANT TO F.R.C.P. 54(b)

On August 31, 2010, this Court entered summary judgment in favor of St. Paul and against Alstom, ruling that St. Paul owed no indemnity to Alstom. The Court also denied Alstom's parallel motion for partial summary judgment on this indemnity issue. Docket #128.

Pursuant to the parties' stipulation, the Court has considered the status of this action and finds that there is no just reason for further delay in entering final judgment in favor of St. Paul and against Alstom based on this Court's August 31, 2010 summary judgment order.

Accordingly, pursuant to F.R.C.P. 54(b), the Court hereby directs the Clerk to enter final judgment in favor of St. Paul and against Alstom.

The Court further orders that this action shall be stayed pending Alstom's appeal of this final judgment, based on the parties' stipulation that this action can be dismissed if this court's judgment in favor of St. Paul is upheld on appeal.

Done this 7th day of June, 2011.

BY THE COURT:

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