

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 09-cv-00490-MSK-MJW

HUDSON SPECIALTY INSURANCE COMPANY,

Plaintiff,

v.

ADA-ES, INC.;  
ADA ENVIRONMENTAL SOLUTIONS, LLC;  
CROWFOOT DEVELOPMENT, LLC;  
MORTON ENVIRONMENTAL PRODUCTS, LLC, f/k/a BOWMAN ENVIRONMENTAL  
PRODUCTS, LLC;  
NORIT AMERICAS, INC.;  
JOHN RECTENWALD;  
RED RIVER ENVIRONMENTAL PRODUCTS, LLC;  
STEPHEN D. YOUNG;  
UNDERWOOD ENVIRONMENTAL PRODUCTS, LLC,

Defendants.

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**ORDER SETTING RULE 16 HEARING**

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THIS MATTER comes before the Court upon a Complaint for Declaratory Relief filed by the Plaintiff. In light thereof, a hearing pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1 is necessary. **This is not a scheduling conference; do not submit a proposed scheduling order.**

**IT IS ORDERED:**

- (1) A hearing is set for **May 12, 2009, at 4:00 p.m.** in Courtroom A901 of the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars.
- (2) Prior to the hearing, the parties shall meet and confer about the following issues and be prepared to address them at the hearing:
  - Whether bifurcation is appropriate for determination of the construction and interpretation of the disputed portions of the insurance policy.
  - The stipulated facts which would bear upon the Court's interpretation of the policy provisions.

- Whether discovery is needed with regard to contract interpretation. (This hearing does not substitute for a scheduling conference before the Magistrate Judge.)
  - Other appropriate issues enumerated in Fed. R. Civ. P. 16(c).
- (3) If the Defendant(s) has/have not been served with the Summons and Complaint, this Order shall be served together with the Summons and Complaint within ten (10) days of the date of this Order.

DATED this 11<sup>th</sup> day of March, 2009.

**BY THE COURT:**

A handwritten signature in black ink, reading "Marcia S. Krieger", written in a cursive style. The signature is positioned above a horizontal line.

Marcia S. Krieger  
United States District Judge