

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover Date: May 12, 2009
Court Reporter: Paul Zuckerman

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

Parties:

Counsel Appearing:

HUDSON SPECIALTY INSURANCE
COMPANY,

Nancy Pearl
Marily Sterrenberg-Rose

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,

Gregory Falls
Elizabeth Hyatt

Defendants.

MINUTES OF RULE 16 CONFERENCE

4:13 p.m. Court in session.

The Court addresses what it believes the claim to be.

Statement from Ms. Pearl who advises the parties have had ongoing discussions and have reached an agreement with regard to obligation to defend. The parties are not ready to proceed with this case

until they reach a determination in the Texas case.

The Court addresses whether the parties have considered closing the case with leave to reopen if necessary in the event they need a determination made as to indemnification.

The parties have no objection and agree that the case be closed subject to it being reopened after the litigation in Texas is resolved.

The Court addresses the pending Motion to Dismiss (**Doc. #36**).

ORDER: The Motion to Dismiss is **DENIED** with leave to renew. The time period to assert the motion is extended 20 days after the case is reopened, if it is reopened.

ORDER: The Court orders that the case be closed.

4:28 p.m. Court in recess.

Total Time: 15 minutes.

Hearing concluded.