

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-00784-RPM

JOHN J. FLYNN,
JAMES BOLAND,
GERALD O'MALLEY,
KEN LAMBERT,
GERARD SCARANO,
H.J. BRAMLETT,
EUGENE GEORGE,
ROBERT HOOVER,
MATTHEW AQUILINE,
GREGORY R. HESS,
MICHAEL SCHMERBECK,
VINCENT DELAZZERO,
BENJAMIN CAPP,
WILLIAM MCCONNELL, as Trustees of and on behalf of the
BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND,

Plaintiffs,

v.

JOHN DANIEL BERICH, individually,
TODD BERICH, individually,
INTEGRITY EQUIPMENT COMPANY, INC.,
BERICH MASONRY, INC.,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE PARTIAL SUMMARY
JUDGMENT MOTION

On April 5, 2010, the plaintiffs filed a motion for leave to file a partial summary judgment motion against defendant Berich Masonry, Inc. The defendants filed their opposition on April 23, 2010. As this Court observed in its earlier refusal to extend the time for filing dispositive motions, there are disputed issues of material fact on the issue of alter ego and this case will not be advanced by considering the plaintiffs' arguments raised in the proposed motion for summary judgment. This case should proceed to trial. It is

ORDERED that the plaintiffs' motion is denied.

DATED: April 26th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge