

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-CV-00799-SJJ-KLM

GRANITE SOUTHLANDS TOWN CENTER LLC,

Plaintiff,

**THIS ORDER MODIFIES AND REPLACES
THE COURT’S PREVIOUS ORDER ECF # 203**

v.

ALBERTA TOWN CENTER, LLC and
LAND TITLE GUARANTEE COMPANY,

Defendants.

**TEMPORARY RESTRAINING ORDER
AGAINST DEFENDANT ALBERTA**

ON THIS DAY came on to be heard Granite Southlands Town Center LLC (“Plaintiff”) request for a temporary restraining order as set forth in Plaintiff’s Application for Temporary Restraining Order and Preliminary Injunction Hearing (“Application”). The Court, having examined the Application, finds that said Application shows Plaintiff to be entitled to a Temporary Restraining Order, pending the hearing on the request for Preliminary Injunction. It clearly appears from the facts set forth in the Application that Defendant Alberta Town Center, LLC (“Defendant”) will transfer or otherwise negotiate funds from Defendant’s settlement of an arbitration against Callison Architecture, Inc. absent this Court’s order and, therefore, be unable to satisfy Defendant’s anticipated debt to Plaintiff.

The Court further finds that such activity will cause substantial harm to Plaintiff and that Defendant should be enjoined from such activity.

The Court further finds that Plaintiffs have shown a probable right of success on the merits and probable injury if this Temporary Restraining Order is not granted. For the foregoing

reasons, IT IS THEREFORE ORDERED that a Temporary Restraining Order be, and the same is hereby GRANTED and issued and Defendant, its agents, officers, servants, employees, representatives, attorneys, and any other individual or entity in active concert or participation with Defendant ("Alberta Parties"), are hereby ordered as follows:

- Alberta Parties are hereby enjoined from transferring or otherwise negotiating at least \$700,000 of the funds received in connection with settlement of Defendant's arbitration against Callison Architecture, Inc. ("Callison Settlement Funds");
- Alberta Parties are hereby ordered to hold all or any portion of the Callison Settlement Funds in their possession, custody, or control, sufficient to total at least \$700,000, until further order of this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order be effective upon the filing of a Bond or Cash in Lieu of the Bond in the amount of \$10,000 payable to the Clerk of the Court as required by law. The Temporary Restraining Order shall continue in effect until the hearing set below is completed and/or an order entered.

IT IS FURTHER ORDERED that upon the filing of such Bond or Cash in Lieu of Bond by Plaintiff, the Clerk of this Court shall issue citation and notice to Defendant of the Temporary Restraining Order and a Preliminary Injunction Hearing, said hearing being set by the Court for the 29 day of September, 2012, at 3pm EST.

SIGNED this 23 day of September, 2011, at 6:30pm EST.

_____/s/_____
United States District Judge Sterling Johnson Jr.