

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

Civil Action No. 09-cv-00883-RPM

SAFECO INSURANCE COMPANY OF AMERICA,

Plaintiff,

v.

JANICE REES,
BRENT JUSTIN GALE, and
ZACHARY KEEGAN SNYDER,

Defendants.

ORDER DETERMINING DUTY TO DEFEND AND FOR STAY OF THIS CIVIL ACTION

Pursuant to the scheduling conference held today and upon review of the amended complaint, filed in the District Court, Mesa County, Colorado, on June 4, 2009, and the provisions of the insurance policy issued to Janice Rees, submitted by the plaintiff, the Court finds and concludes that the amended complaint has a claim for negligence as to the defendant Brent Gale who is an insured under the policy and that while the claim against Janice Rees for premises liability is questionable, the claims in the underlying suit are claims as to which Safeco Insurance Company of America has a duty to defend, and it also appearing that the insurance company's liability for indemnification is not determinable until resolution of the underlying action, it is now

ORDERED that Safeco Insurance Company of America shall provide a defense to Janice Rees and Brent Justin Gale in Case Number 2009 CV 4124 in the District Court, Mesa County, Colorado, and it is

FURTHER ORDERED that this civil action is stayed under further order of court.

Dated: July 14th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge