

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE

Civil Case No. 09-cv-02274-LTB-MJW

EMPLOYER TRUSTEES OF THE ROCKY MOUNTAIN UFCW UNIONS AND EMPLOYERS PENSION PLAN, an express trust; and
EMPLOYER TRUSTEES OF THE DENVER AREA MEAT CUTTERS AND EMPLOYERS PENSION FUND, an express trust,

Petitioners,

v.

UNION TRUSTEES OF THE ROCKY MOUNTAIN UFCW UNIONS AND EMPLOYERS PENSION PLAN, an express trust; and
UNION TRUSTEES OF THE DENVER AREA MEAT CUTTERS AND EMPLOYERS PENSION FUND, an express trust,

Respondents.

ORDER

As further set forth on the record at the hearing held on October 8, 2009, IT IS HEREBY ORDERED as follows:

1. Petitioners' Petition for Appointment of Impartial Arbitrator [Doc # 1] and supporting motion [Doc # 4] for the appointment of a qualified arbitrator with experience in resolving disputes involving ERISA and multi-employer pension plans to hear and break the deadlocked motions on Resolutions Nos. 3 and 5 as described in the Petition are GRANTED;
2. Respondents' Counterclaim (sic) [Doc # 5] for the appointment of a qualified arbitrator with experience in resolving disputes involving ERISA and multi-employer pension plans to hear and break the deadlocked motion on the Respondents' proposed PPA funding schedules as described in the Counterclaim (sic) is GRANTED;

3. The Court appoints James M. Lyons, Esq., 1200 17th Street, Suite 3000, Denver, Colorado 80202, as arbitrator for the issues identified in the Petition and Counterclaim (sic);
4. It is for the arbitrator to decide all procedural issues underlying the parties' dispute, including, but not limited to, whether the arbitration should process sequentially or as a unified arbitration proceeding; and
5. The parties shall equally bear the fees of the arbitrator; and
6. Judgment shall enter in accordance with this Order.

Dated: October 8th, 2009 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, JUDGE