

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02413-WYD-KMT

CROSS CONTINENT DEVELOPMENT, LLC,

Plaintiff,

v.

TOWN OF AKRON, COLORADO,

Defendant.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Granting Motion to Amend Caption, filed February 7, 2014, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the caption in this action is hereby amended to reflect that Town of Akron, Colorado, a Colorado municipal corporation, is the sole Defendant in this action. All other Defendants have been taken off the caption.

THIS MATTER came before the Court and a jury of ten duly sworn to try the matter on April 14, 2014, the Honorable Wiley Y. Daniel, Senior United States District Judge, presiding. On April 18, 2014, the jury returned its verdict as follows:

Verdict Form

WE, THE JURY, in the above-captioned action, render our verdict as follows:

1. Do you find that the Plaintiff, Cross Continent Development, LLC, has proven, by a preponderance of the evidence, its claim against the Town of Akron for breach of contract as referenced in Instructions 14, 15 and 16?

ANSWER: Yes

If you answered "Yes" to Question 1, proceed to Questions 2 and 3. If you answered "No" to Question 1, do not answer the remaining questions, and sign and date the verdict form.

2. Do you find that the Defendant has proven by a preponderance of the evidence its affirmative defense that Plaintiff Cross Continent Development LLC failed to mitigate or reduce its damages as referenced in Instruction 18?

ANSWER: Yes

3. What amount of damages, if any, will reasonably and fairly compensate the Plaintiff Cross Continent Development, LLC for any losses suffered that were proximately caused by the breach of contract, taking into account any reduction in damages based on a failure to mitigate damages? Answer in dollars and cents in the space below:

\$1.00

IT IS HEREBY

ORDERED that judgment is hereby entered in favor of plaintiff, Cross Continent Development, LLC, and against defendant, Town of Akron, Colorado, in the total amount of \$1.00 on Plaintiff's breach of contract claim. It is further

ORDERED that post-judgment interest shall accrue at the current rate of 0.11%, as calculated pursuant to 28 U.S.C. § 1961, from the date of entry of judgment. It is further

ORDERED that Plaintiff shall have by the filing of a Bill of Costs with the Clerk of this Court within fourteen (14) days of entry of judgment, and pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado this 21st day of April, 2014.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

/s/ Robert R. Keech
Robert R. Keech,
Deputy Clerk

APPROVED AS TO FORM:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE