

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-02614-REB-KLM

WILLIAM I. DALZELL,
DEVON C. PURDY,
SAM PROPERTIES V, LLC, a Colorado limited liability company,
GREGORY HALLER,
PAMELA HALLER,
CINDY ROGERS, and
RONALD KOLLIGIAN,

Plaintiffs,

v.

TRAILHEAD LODGE AT WILDHORSE MEADOWS, LLC, a Colorado limited liability
company, and
RP STEAMBOAT SPRINGS, LLC a Delaware limited liability company,

Defendants.

FINAL JUDGMENT

Pursuant to Fed. R. Civ. P. 58(a), and the orders entered in this case, **Final Judgment** is entered.

A. Pursuant to the **Order Granting Motions for Summary Judgment** [#103] entered by Judge Robert E. Blackburn on November 30, 2010, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That the **Plaintiffs' Motion for Partial Summary Judgment** [#47] filed March 25, 2010, is **GRANTED** to the extent that defendant Trailhead Lodge at Wildhorse Meadows, LLC, is liable on the plaintiffs' first, second, and third claims for relief, as

stated in the plaintiffs' **Second Amended Complaint** [#70] filed July 26, 2010;

2. That the relief, if any, to which the plaintiffs may be entitled on their first, second, and third claims for relief shall be determined at trial.

B. Pursuant to the **Order Approving Parties' Stipulation Re: Dismissal of Plaintiffs' Fourth Through Seventh Claims in Plaintiffs' Second Amended Complaint** [#118] entered by Judge Robert E. Blackburn on December 6, 2010, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That the **Stipulation of Dismissal Without Prejudice** [#111] filed December 2, 2010, is **APPROVED**; and

2. That plaintiffs' state law claims in the fourth through seventh claims for relief in the Second Amended Complaint [#70] are **DISMISSED WITHOUT PREJUDICE** on the terms and conditions of the stipulation, with the parties to pay their own attorney fees and costs relating to the state law claims.

C. Pursuant to the **Findings of Fact, Conclusions of Law, and Order** [#162] filed January 4, 2013, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor of defendant RP Steamboat Springs LLC, against each of the plaintiffs, William I Dalzell, Devon Purdy, SAM Properties V, LLC, Gregory Haller, Pamela Haller, Cindy Rogers, and Ronald Kolligian, on the plaintiffs' first, second, and third claims for relief as stated in the plaintiffs' **Second Amended Complaint** [#70] filed July 26, 2010;

2. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor of plaintiffs William I Dalzell, Devon Purdy, Gregory Haller, Pamela Haller, and Ronald Kolligian, against defendant Trailhead Lodge at Wildhorse Meadows, LLC, on the plaintiffs' first claim for relief;

3. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor plaintiff SAM Properties V, LLC and Cindy Rogers, against defendant Trailhead Lodge at Wildhorse Meadows, LLC, on the plaintiffs' first claim for relief;

4. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor plaintiffs William I. Dalzell and Devon C. Purdy, jointly, against defendant Trailhead Lodge at Wildhorse Meadows LLC, for \$119,000.00, the amount of the deposit paid by William I. Dalzell and Devon C. Purdy;

5. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor plaintiffs Gregory Haller and Pamela Haller, jointly, against defendant Trailhead Lodge at Wildhorse Meadows, LLC, for \$155,000.00, the amount of the deposit paid by Gregory Haller and Pamela Haller;

6. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor plaintiff Ronald Kolligian against defendant Trailhead Lodge at Wildhorse Meadows, LLC, for \$196,000.00, the amount of the deposit paid by Ronald Kolligian;

7. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor plaintiff SAM Properties V, LLC against defendant Trailhead Lodge at Wildhorse Meadows, LLC, for \$226,000.00, the

amount of the deposit paid by SAM Properties V, LLC;

8. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor plaintiff Cindy Rogers against defendant Trailhead Lodge at Wildhorse Meadows, LLC, for \$86,000.00, the amount of the deposit paid by Cindy Rogers;

9. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor plaintiff SAM Properties V, LLC against defendant Trailhead Lodge at Wildhorse Meadows, LLC, rescinding the purchase agreement between SAM Properties V, LLC and defendant Trailhead Lodge at Wildhorse Meadows, LLC;

10. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor plaintiff Cindy Rogers against defendant Trailhead Lodge at Wildhorse Meadows, LLC, rescinding the purchase agreement between Cindy Rogers and defendant Trailhead Lodge at Wildhorse Meadows, LLC;

11. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor of plaintiffs William I Dalzell, Devon Purdy, Gregory Haller, Pamela Haller, and Ronald Kolligian, against defendant Trailhead Lodge at Wildhorse Meadows, LLC, on the plaintiffs' second claim for relief;

12. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor of plaintiffs SAM Properties V, LLC and Cindy Rogers against defendant Trailhead Lodge at Wildhorse Meadows, LLC, on the plaintiffs' second claim for relief;

13. That under FED. R. CIV. P. 58 and 28 U.S.C. § 2201, **JUDGMENT IS ENTERED** on the plaintiffs' second claim for relief declaring that defendant Trailhead Lodge at Wildhorse Meadows, LLC is subject to and violated the Interstate Land Sales Full Disclosure Act when it failed to comply with the requirements of 15 U.S.C. § 1703(a)(1)(A) and (B) and 15 U.S.C. § 1703 (b),(c),(d), and (e) in the course of entering into and performing under its sales contracts with plaintiffs;

14. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor of plaintiffs William I Dalzell, Devon Purdy, Gregory Haller, Pamela Haller, and Ronald Kolligian, against defendants RP Steamboat Springs LLC and Trailhead Lodge at Wildhorse Meadows, LLC, on the plaintiffs' third claim for relief;

15. That under FED. R. CIV. P. 58 and 28 U.S.C. § 2201, **JUDGMENT IS ENTERED** on the plaintiffs' third claim for relief declaring that plaintiffs William I Dalzell, Devon Purdy, Gregory Haller, Pamela Haller, and Ronald Kolligian each properly revoked their contracts with defendant Trailhead Lodge at Wildhorse Meadows, LLC, under 15 U.S.C. § 1703;

16. That under FED. R. CIV. P. 58, and based on the above findings of fact and conclusions of law, **JUDGMENT IS ENTERED** in favor of plaintiffs SAM Properties V, LLC and Cindy Rogers against defendant Trailhead Lodge at Wildhorse Meadows, LLC on the counterclaim of defendant Trailhead Lodge at Wildhorse Meadows, LLC;

17. That under FED. R. CIV. P. 58, and based on the stipulation [#121] of the parties, **JUDGMENT IS ENTERED** in favor of plaintiffs William I Dalzell, Devon Purdy, Gregory Haller, Pamela Haller, and Ronald Kolligian against defendant Trailhead Lodge

at Wildhorse Meadows, LLC, providing that these plaintiffs are entitled to prejudgment interest on the damages due to them in the amount of eight (8) percent per annum calculated from July 25, 2007, and to post-judgment interest in the amount of eight (8) percent per annum calculated from the date of the entry of judgment;

18. That each plaintiff is **AWARDED** its costs against defendant Trailhead Lodge at Wildhorse Meadows, LLC, which costs shall be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR. 54.1;

19. That defendant RP Steamboat Springs LLC is **AWARDED** its costs, which costs shall be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR. 54.1; and

20. That any motion seeking an award of attorney fees or additional elements of damages not addressed in this order, as provided in 15 U.S.C. § 1709(b), **SHALL BE FILED** on or before February 8, 2013, and the filing of any response and reply shall be filed in the time and manner required by D.C.COLO.LCivR 7.1C.

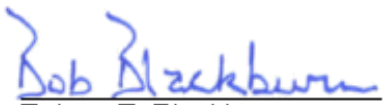
DATED at Denver, Colorado, this 31st day of January, 2013.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk

APPROVED BY THE COURT:


Robert E. Blackburn
United States District Judge