

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 10-cv-02349-WJM-KMT

CHIMNEY ROCK PUBLIC POWER DISTRICT,  
MIDWEST ELECTRIC COOPERATIVE CORPORATION,  
NORTHWEST RURAL PUBLIC POWER DISTRICT, and  
PANHANDLE RURAL ELECTRIC MEMBERSHIP ASSOCIATION,

Plaintiffs,

v.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION,

Defendant/Third-Party Plaintiff,

v.

WAYNE COBB,  
RYAN REIBER,  
ROLLAND SKINNER, and  
JERRY UNDERWOOD,

Third-Party Defendants.

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**FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, the Order Granting in Part the Third-Party Defendants' Motions to Dismiss, entered by the Honorable William J. Martínez, United States District Judge, on August 21, 2013, the Order Granting the Third-Party Defendants' Motions for Summary Judgment, entered by the Honorable William J. Martínez on March 3, 2014, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

This action was tried before a jury of seven duly sworn to try the issues herein with U.S. District Judge William J. Martínez presiding, and the jury rendered a verdict.

Accordingly, it is

ORDERED that pursuant to the jury's verdict, Final Judgment is hereby entered in favor of Defendant Tri-State Generation and Transmission Association and against the Plaintiffs Chimney Rock Public Power District, Midwest Electric Cooperative Corporation, Northwest Rural Public Power District, and Panhandle Rural Electric Membership Association.

IT IS FURTHER ORDERED that Defendant Tri-State Generation and Transmission Association is awarded its costs, pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1, upon the filing of a Bill of Costs within 14 days of entry of judgment.

IT IS FURTHER ORDERED that the Third-Party Defendants' Motions to Dismiss the Fifth and Sixth Counterclaims pursuant to Rule 12(b)(6) (ECF Nos. 113 & 117) are GRANTED IN PART with respect to Tri-State's Fifth Counterclaim against Wayne Cobb and Tri-State's Sixth Counterclaim against Rolland Skinner and DENIED in all other respects.

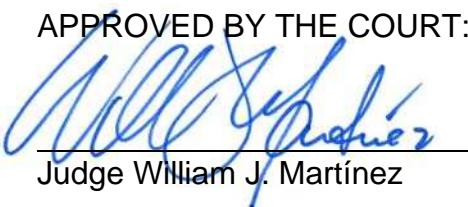
IT IS FURTHER ORDERED that Final Judgment is entered in favor of Third-Party Defendants Wayne Cobb and Rolland Skinner and against Third-Party Plaintiff Tri-State, and Tri-State's Amended Counterclaims are DISMISSED WITHOUT PREJUDICE as to Cobb and Skinner. Each party shall bear its own attorney's fees and costs.

IT IS FURTHER ORDERED that the Third-Party Defendants' Motions for Summary Judgment (ECF Nos. 194 & 197) as to Tri-State's Fifth Counterclaim against Jerry Underwood and Tri-State's Sixth Counterclaim against Ryan Reiber are GRANTED.

IT IS FURTHER ORDERED that Final Judgment is entered in favor of Third-Party Defendants Jerry Underwood and Ryan Reiber and against Third-Party Plaintiff Tri-State, and Underwood and Reiber are awarded their costs, pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1, upon the filing of a Bill of Costs within 14 days of entry of judgment.

Dated at Denver, Colorado, this 13<sup>th</sup> day of June, 2014.

APPROVED BY THE COURT:

A blue ink signature of Judge William J. Martinez.

Judge William J. Martinez

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Deborah Hansen

Deborah Hansen, Deputy Clerk