

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

Civil Action No. 10-cv-02826-WJM-KMT

D.R. HORTON, INC.-DENVER d/b/a TRIMARK COMMUNITIES, a Delaware corporation, and
D.R. HORTON, INC., a Delaware corporation,

Plaintiffs,

v.

THE TRAVELERS INDEMNITY COMPANY OF AMERICA, a Connecticut corporation,
TRAVELERS INDEMNITY COMPANY, a Connecticut corporation,
ST. PAUL FIRE AND MARINE INSURANCE COMPANY, a Minnesota corporation, and
CHARTER OAK FIRE INSURANCE COMPANY, a Connecticut corporation,

Defendants/Third-Party Plaintiffs,

v.

AAA WATERPROOFING, INC., a Colorado Corporation,
ARK CONSTRUCTION SERVICES, INC., a dissolved Colorado Corporation,
CONCRETE MANAGEMENT CORPORATION, a Colorado Corporation,
COURMEG LANDSCAPING DESIGN, LLC, a Colorado Limited Liability Company,
D.A.S.H. CONCRETE, INC., a Colorado Corporation,
DOVE CREEK ENTERPRISES, INC., a Colorado Corporation,
FOSTER FRAMES, INC., a Colorado Corporation,
J & K PIPELINE, INC., a Colorado Corporation,
JORGE ROMERO, d/b/a SPECIALIST PAINT,
LEVEL MASONRY, INC., a dissolved Colorado Corporation,
MID-CENTURY INSURANCE, a California Corporation,
PROTO CONSTRUCTION AND PAVING, INC., a Colorado Corporation,
R.G. INSULATION CO., INC., is a trade name of G.H. & W, Incorporated, a Missouri Corporation,
TIG INSURANCE, a California Corporation,
THE COOLER COMPANY, a Colorado Corporation, and
ZURICH SPECIALTIES LONDON, LTD., a non-incorporated re-insurer,

Third-Party Defendants.

**ORDER GRANTING UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITH
PREJUDICE OF VARIOUS CLAIMS, CROSS CLAIMS, AND COUNTERCLAIMS
BETWEEN AND AMOUNT PLAINTIFFS, THE TRAVELERS DEFENDANTS, AND
THIRD-PARTY DEFENDANT THE COOLER COMPANY**

This matter is before the Court on the Unopposed Stipulated Motion for Dismissal with Prejudice of Various Claims, Cross Claims, and Counterclaims Between and Among Plaintiffs, the Travelers Defendants, and Third-Party Defendant The Cooler Company (ECF No. 412) (the "Motion"). Having reviewed the pleadings and the Court's file, and being otherwise fully advised in the premises, the Court hereby ORDERS as follows:

1. The Unopposed Stipulated Motion (ECF No. 412) is GRANTED.
2. All claims, counterclaims, or cross claims asserted by Plaintiffs D.R. Horton, Inc. - Denver d/b/a Trimark Communities and D.R. Horton, Inc. (collectively "Plaintiffs") against Defendants The Travelers Indemnity Company of America, The Travelers Indemnity Company, St. Paul Fire and Marine Insurance Company, and The Charter Oak Fire Insurance Company (collectively, the "Travelers Defendants") or Third-Party Defendant The Cooler Company ("Cooler") are hereby dismissed with prejudice, each party to bear its own attorneys' fees and costs incurred in connection with the same.
3. All claims, counterclaims, or cross claims asserted by the Travelers Defendants against Plaintiffs or Cooler are hereby dismissed with prejudice, each party to bear its own attorneys' fees and costs incurred in

connection with the same.

4. All claims, counterclaims, or cross claims asserted by Cooler against Plaintiffs or the Travelers Defendants are hereby DISMISSED WITH PREJUDICE, each party to bear its own attorneys' fees and costs incurred in connection with the same.
5. The dismissals with prejudice provided for herein shall not affect the Travelers Defendants' ability to pursue their remaining third-party claims against Third-Party Defendants other than Cooler.
6. This Order, together with prior Orders entered by the Court, results in the complete dismissal of all claims, brought by any party, by or against Plaintiffs and Cooler. As such, the Clerk of the Court is DIRECTED to modify the caption to remove Plaintiffs and Cooler. The Court instructs the Clerk to terminate Plaintiffs and Cooler as parties to this action on the ECF filing system. Finally, Plaintiffs, Cooler, and their respective counsel may be removed from service for all future pleadings filed in this action, except that counsel for Cooler remain in the ECF system and shall continue to receive service in their role as counsel for Third-Party Defendant Ark Construction Services, Inc.

Dated this 7th day of March, 2013.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge