

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-00832-RPM

ADT HOLDINGS, INC.,
ADT SECURITY SERVICES, INC., and
AUTOMATED SECURITY CORP.,

Plaintiffs,

v.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.,

Defendant.

ORDER FOR REHEARING

On January 20, 2012, this Court entered an Order Denying Defendant's Motion for Summary Judgment based on the conclusion that the breach of a contractual promise in a willful and wanton manner is not equivalent to the type of conduct that would make the insuring agreement unenforceable as a matter of public policy. On April 5, 2012, a stay order entered because of the expectation that the resolution of the appeal in the underlying action may clarify the conduct which constitutes a willful and wanton breach of a commercial contract. The Colorado Court of Appeals has now issued its decision as submitted in the attachment to the Plaintiffs' Advice of Resolution of Appeal in Related Case, filed May 7, 2013. Upon review of that opinion and the discussion of willful and wanton breach of contract contained there, it is determined that the defendant's motion for summary judgment should be reheard. Accordingly, it is

ORDERED that the stay order is vacated and a hearing will be scheduled to reconsider the defendant's motion for summary judgment.

DATED: May 14th, 2013

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge