

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-CV-00844-REB-BNB

WATERSAVER COMPANY, INC., and
BOBCAT OF THE ROCKIES,

Plaintiffs,

v.

HIGH PLAINS CONSTRUCTION AND EXCAVATING, INC.;
JOHN A. CORDSEN;
JOETTE CORDSEN;
GRAND JUNCTION CONCRETE PIPE COMPANY;
FIRST BANK AND TRUST COMPANY, d/b/a MOUNTAIN VIEW BANK;
JIM DIBLE OIL COMPANY; and
WAGNER EQUIPMENT CO. and/or WAGNER RENTS, INC.

Defendants.

**ORDER APPROVING STIPULATION FOR SETTLEMENT OF LAWSUIT AND
DISTRIBUTION OF MONIES FROM THE REGISTRY**

Blackburn, J.

The matter comes before me on the **Stipulation for Settlement of Lawsuit and Distribution of Monies from the Registry** [#73]¹ filed September 6, 2011. After reviewing the stipulation and the file, I conclude that the stipulation should be approved and made an order of this court.

THEREFORE, IT IS ORDERED as follows:

¹“[#73]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

1. That the Stipulation for Settlement of Lawsuit and Distribution of Monies from the Registry [#73] filed September 6, 2011, is **APPROVED** and is made an order of this court;

2. That the \$282,140.88 deposited into the registry of the U.S. District Court Denver, Colorado, relating to case number 11-cv-00844-REB-BNB, shall be distributed as follows:

Watersaver Company, Inc.	\$ 93,672.10
Bobcat of the Rockies	\$ 40,000.00
2430 Driftwood Circle LLC	\$ 6,000.00
Grand Junction Concrete Pipe Company	\$ 6,114.17
First Bank and Trust Company d/b/a Mountain View Bank	\$ 42,399.66
Wagner Equipment Co. and/or Wagner Rents, Inc.	\$ 55,226.62
Jim Dible Oil Company	\$ 22,787.71
Colorado Machinery LLC	<u>\$ 15,940.62</u>
	\$ 282,140.88

3. That all interest, less the registry fee assessment, from the \$282,140.88 deposited into the registry of the court shall be distributed to Wagner Equipment Co. and/or Wagner Rents Inc;

4. That the clerk shall send the checks in distributing the \$282,140.88 and the interest on the \$282,140.88 as follows:

Watersaver Company, Inc.
c/o Christopher M. Sharp

Spieler, Woodward, Corbalis, & Goldberg P.C.
2 Inverness Drive East, Suite 200
Englewood, Colorado 80112

Bobcat of the Rockies
c/o Robert H. Winter
3900 East Mexico Avenue
Suite 1300
Denver, Colorado 80210

Grand Junction Concrete Pipe Company
c/o John P. Gormley
Spiecker, Hanlon, Gormley & Volkmann, LLP
P.O. Box 1991
Grand Junction, CO 81502

First Bank and Trust Company d/b/a Mountain View Bank
c/o Matthew A Niznik
Sparks Willson Borges Brandt & Johnson, P.C.
24 So. Weber Street, Suite 400
Colorado Springs, CO 80903
Jim Dible Oil Company
c/o Lloyd D. Quesenberry
Rider & Quesenberry, LLP
200 Grand Avenue, Suite 200
Grand Junction, CO 81501

Wagner Equipment Co. and/or Wagner Rents, Inc.
c/o Terry L. Ehrlich
Arnold & Arnold Attorneys at Law LLP
7691 Shaffer Parkway, Suite A
Littleton, CO 80127

Colorado Machinery LLC
c/o Scott J. Mikulecky, Esq.
Sherman & Howard L.L.C.
90 South Cascade Avenue, Suite 1500
Colorado Springs, CO 80903-4015

2430 Driftwood Circle LLC
c/o Don A. McCullough
950 S. Cherry Street
Suite 510
Denver, Colorado 80246

5. That the \$50,000.00 deposited into the registry of the court shall be distributed as follows:

Joette Cordsen	\$ 25,000.00
Grand Junction Concrete Pipe Company	\$ 5,000.00
First Bank and Trust Company d/b/a Mountain View Bank	\$ 5,000.00
Wagner Equipment Co. and/or Wagner Rents, Inc.	\$ 5,000.00
Jim Dible Oil Company	\$ 5,000.00
Colorado Machinery LLC	<u>\$ 5,000.00</u>
	\$ 50,000.00

6. That all interest, less the registry fee assessment, from the \$50,000.00 shall be distributed to Joette Cordsen;

7. That the clerk shall send the checks to distribute the \$50,000.00 and the interest earned on the \$50,000.00 as follows:

Joette Cordsen
c/o Don A. McCullough
950 S. Cherry Street
Suite 510
Denver, Colorado 80246

Grand Junction Concrete Pipe Company
c/o John P. Gormley
Spiecker, Hanlon, Gormley & Volkmann, LLP
P.O. Box 1991
Grand Junction, CO 81502

First Bank and Trust Company d/b/a Mountain View Bank
c/o Matthew A Niznik
Sparks Willson Borges Brandt & Johnson, P.C.
24 So. Weber Street, Suite 400

Colorado Springs, CO 80903

Jim Dible Oil Company
c/o Lloyd D. Quesenberry
Rider & Quesenberry, LLP
200 Grand Avenue, Suite 200
Grand Junction, CO 81501


Wagner Equipment Co. and/or Wagner Rents, Inc.
c/o Terry L. Ehrlich
Arnold & Arnold Attorneys at Law LLP
7691 Shaffer Parkway, Suite A
Littleton, CO 80127

Colorado Machinery LLC
c/o Scott J. Mikulecky, Esq.
Sherman & Howard L.L.C.
90 South Cascade Avenue, Suite 1500
Colorado Springs, CO 80903-4015

8. That the Trial Preparation Conference set for April 6, 2012, and the jury trial set to commence April 23, 2012, are **VACATED**; and
9. That this case is **CLOSED**.

Dated September 7, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge