

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 11-cv-02444-WYD-KMT

AMERICAN WEB, INC.,

Plaintiff,

v.

FLOM CORPORATION;
LLOYD S. STIRMER;
PETER O. ABELES; and,
JOHN DOE TRUSTEE(S) of the STIRMER TRUST,

Defendants.

ORDER

THIS MATTER is before the Court on the parties' Stipulated Fed. R. Civ. P. 58 Motion For Entry Of Judgment [ECF No. 105].

At the Final Trial Preparation Conference on Wednesday, October 2, 2013, the parties presented arguments regarding this motion. After hearing the parties' arguments, it is

ORDERED that the parties' Stipulated Fed. R. Civ. P. 58 Motion For Entry Of Judgment [ECF No. 105] is **GRANTED**, and the stipulation contained therein is **APPROVED**. As such, it is

FURTHER ORDERED that pursuant to the parties' stipulation, **American Web, Inc., is entitled to judgment as a matter of law on its claims sounding in contract i.e., Claims One through Four. American Web, Inc.'s, damages for Flom**

Corporation's breach of the 2006 Wastepaper Agreement [ECF No. 65-3] are \$642,290 plus costs, recoverable attorney fees, and prejudgment interest.

This Order: (1) neither prevents Flom Corporation from contesting attorney fees and costs nor does it preclude Flom Corporation from appealing any legal issue in this matter; and, (2) does not apply to American Web, Inc.'s, eighth claim for relief *i.e.*, a constructive trust.

This is not a final judgment under Rule 54 of the FEDERAL RULES of CIVIL PROCEDURE.

Dated: October 2, 2013.

BY THE COURT:

/s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior U.S. District Judge