

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

Civil Case No. 12-cv-00453-REB-KMT

COUNTRY MUTUAL INSURANCE COMPANY, an Illinois corporation,

Plaintiff,

v.

ROCKY MOUNTAIN CONSTRUCTION COMPANY, LLC, a Colorado limited liability company,

ANTHONY K. FLORES,

FORTINO FLORES,

DAVID STILES, and

BRENDA STILES, citizens of the State of Colorado,

Defendants/Counter-Claimants/Third-Party Plaintiffs,

v.

JOSHUA HARTMAN, and

BRANDON AVERY,

Third-Party Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Blackburn, J.

The matter before me is **Plaintiff's Motion and Memorandum in Support of Summary Judgment** [#21],¹ filed May 15, 2012. Having reviewed the motion, response, and reply, I find and conclude that the issues raised by and inherent to the motion would be better addressed on a more complete evidentiary recovery following the close of discovery. **See FED. R. CIV. P. 56(d)(1)**. Because the dispositive motions deadline in this case is still more than three months away, the most efficacious course is

¹ “[#21]” 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.

to permit resubmission of any such motion at that time.²

THEREFORE, IT IS ORDERED that **Plaintiff's Motion and Memorandum in Support of Summary Judgment** [#21], filed May 15, 2012, is **DENIED**, without prejudice to refile.

Dated February 26, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge

² The parties are cautioned that the extant page limitations of **REB Civ. Practice Standard** IV.B.2. are still applicable, although plaintiff need not seek leave to file a second summary motion that otherwise complies with the page limitations.