

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
SENIOR JUDGE WILEY Y. DANIEL**

Courtroom Deputy: Robert R. Keech
E.C.R./Reporter: Mary George

Date: August 12, 2015

Civil Action No: **12-cv-02748-WYD-NYW**

Counsel:

**COLORADO CASUALTY INSURANCE
COMPANY, a New Hampshire
corporation,**

Amy M. Samberg
Bethany A. Gorlin

Plaintiff,

v.

**INFINITY LAND CORPORATION, a
dissolved Colorado corporation;
H2 LAND CO, LLC, a dissolved Colorado
limited liability company;
HOWARD FAMILY INVESTMENTS, LLC, a
dissolved Colorado limited liability
company;
JONATHAN HOWARD;
PAUL HOWARD;
KF 103 CV, LLC, a Colorado limited
liability company;
WILLIAM MARCHANT;
MAUREEN M. MARCHANT;
MARILYN J. HOWELL, as Trustee of the
MARILYN J. HOWELL TRUST;
C. ARLENE NANCE; and
WILLIAM PECK,**

Bradley A. Levin
Kerri J. Atencio

Defendants.

COURTROOM MINUTES

MOTION HEARING

1:34 p.m. Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

1:35 p.m. Discussion regarding case in El Paso County District Court that is still pending.

Plaintiff Colorado Casualty Insurance Company's Motion for Summary Judgment [ECF Doc. No. 103], filed September 11, 2014, and Infinity Defendants' Cross-motion for Partial Summary Judgment [ECF Doc. No. 146], filed April 15, 2015, are raised for argument.

1:37 p.m. Argument by Plaintiff by Ms. Samberg.

1:39 p.m. Argument by Defendant by Ms. Atencio.

1:40 p.m. Argument by Plaintiff by Ms. Samberg.

2:05 p.m. Argument by Defendant by Ms. Atencio.

2:54 p.m. Court in Recess

3:13 p.m. Court in Session

3:13 p.m. Argument by Defendant by Ms. Atencio.

3:16 p.m. Argument by Plaintiff by Ms. Samberg.

3:25 p.m. Argument by Defendant by Ms. Atencio.

ORDERED: Plaintiff Colorado Casualty Insurance Company's Motion for Summary Judgment [ECF Doc. No. 103], filed September 11, 2014, is **GRANTED IN PART and TAKEN UNDER ADVISEMENT IN PART**. The motion is **GRANTED** to the extent that Defendants have conceded that H2 Land Co., LLC and Howard Family Investments, LLC are not entitled to a duty to defend. The motion is **TAKEN UNDER ADVISEMENT** in all other aspects.

ORDERED: Infinity Defendants' Cross-motion for Partial Summary Judgment [ECF Doc. No. 146], filed April 15, 2015, is **TAKEN UNDER ADVISEMENT**.

Court indicates a written order shall follow.

3:30 p.m. Court in Recess - HEARING CONCLUDED.

TOTAL TIME: 1:37