

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00399-WYD-KLM

BITUMINOUS CASUALTY CORPORATION,

Plaintiff,

v.

FRONT RANGE EXCAVATING, INC.,  
TRI-STAR CONSTRUCTION WEST, LLC, and  
GOLD PEAK AT PALOMINO PARK, LLC,

Defendants.

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MINUTE ORDER

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ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the **Joint Motion to Stay Proceedings Between Plaintiff Bituminous and Defendant Gold Peak**<sup>1</sup> [Docket No. 24; Filed May 28, 2013] (the “Gold Peak Motion”) and the **Joint Motion to Stay Proceedings Between Plaintiff Bituminous and Defendant Tri-Star** [Docket No. 25; Filed May 28, 2013] (the “Tri-Star Motion” and, collectively with the Gold Peak Motion, the “Motions”). The Motions state that they are unopposed. In the Motions, Bituminous and two of the Defendants request a stay of “all proceedings” between Plaintiff and each of the two moving Defendants. Each of the moving Defendants have entered into a stipulation with Plaintiff stating that they will remain a party in this matter and that when a final judgment is entered, they will be bound by such judgment. See *Stipulations* [#24-1, 25-1] at ¶ 4.

Plaintiff initiated this action seeking a declaratory judgment regarding insurance coverage. Specifically, Plaintiff “seeks a declaration that [it] has no obligation to defend or indemnify [Defendant] Front Range in connection with two underlying lawsuits” pending in state court in which Defendant Tri-Star Construction West, LLC and Defendant Gold Peak at Palomino Park, LLC are plaintiffs. *Compl.* [#1] at ¶ 5. Plaintiff named the moving Defendants “on the theory that [they] may be [ ] necessary part[ies] to this insurance coverage dispute.” *Motions* [#24, 25] at 2.

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<sup>1</sup> The Court notes that the docket incorrectly names Defendant Gold Peak at Palomino Park, LLC as Golden Peak at Palomino Park, LLC.

IT IS HEREBY **ORDERED** that the Motions [#24, 25] are **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that this matter is hereby **STAYED only as to** Defendants Tri-Star Construction West, LLC and Gold Peak at Palomino Park, LLC.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall modify the caption to correct Defendant Gold Peak at Palomino, LLC's name as indicated above.

Dated: May 29, 2013