

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 13-cv-00476-LTB

UNITED STATES OF AMERICA ex rel
BENNETT CONTRACT GLAZING, INC.,

Plaintiff,

v.

BIG-D CONSTRUCTION CORP., a Utah corporation;
FIDELITY & DEPOSIT COMPANY OF MARYLAND, a Maryland corporation;
ZURICH AMERICAN INSURANCE COMPANY, a New York corporation; and
CREATIVE TIMES DAYSCHOOL, INC., d/b/a CREATIVE TIMES, INC., a Utah corporation,

Defendants.

ORDER

THIS MATTER is before the Court on the Stipulated Motion to Stay Action Pending Mediation and Arbitration (Doc 8 - filed April 22, 2013). Upon review of the file in this matter, it is

ORDERED as follows:

1. The parties shall mediate and/or arbitrate this dispute, as required by the contract between the parties and as agreed to in the Motion, pursuant to the mediation procedures of the American Arbitration Association ("AAA") and in accordance with the Construction Industry Arbitration Rules of the "AAA".

2. Pursuant to the terms of the contract between the parties, the parties shall agree jointly select a mediator for the mediation of this dispute, the costs of which shall be

shared equally between the parties. In the event the dispute is not resolved by mediation, the parties will pursue arbitration in accordance with the Construction Industry Rules of the AAA and as outlined in the Motion.

3. Pursuant to the terms of the contract between the parties, the arbitration award shall be a final adjudication of the claims arising herein, which award may be entered as a judgment by this Court.

4. This matter is STAYED pending the outcome of mediation and/or arbitration.

5. This case is deemed **ADMINISTRATIVELY CLOSED** subject to being reopened upon motion of any party for good cause shown. This matter need not be reopened for submission of final settlement/dismissal documents.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: April 23, 2013