

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

Civil Action No. 13-cv-00507-REB-BNB

THE PHOENIX INSURANCE COMPANY,
THE TRAVELERS INDEMNITY COMPANY, and
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA,

Plaintiffs,

v.

CANTEX, INC.,
CONCRETE MANAGEMENT CORP.,
LANDMARK AMERICAN INSURANCE COMPANY,
OLD REPUBLIC INSURANCE COMPANY,
RBR CONSTRUCTION, INC.,

Defendants,

ORDER

Blackburn, J.

The matter is before the court on Defendant/Cross-claimant **Landmark's Motion to Clarify And/or Amend Order** [#134],¹ filed August 26, 2014. After reviewing the Motion and the record, the court concludes that the motion should be granted insofar as it requests recognition that Cantex, Inc., remains a defendant as to the crossclaims of defendant, Landmark American Insurance Company.²

¹ “[#134]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² The motion itself does not request that any prior orders of this court or the magistrate judge be reinstated in light of the continuing pendency of Landmark's crossclaims. That request is made only in Cantex's response to the motion, where it is procedurally a nullity. **See D.C.COLO.LCivR 7.1(d)**. The parties may seek whatever further relief they deem appropriate in light of this order.

THEREFORE, IT IS ORDERED as follows:

1. That **Landmark's Motion to Clarify And/or Amend Order** [#134] filed August 26, 2014, is **GRANTED IN PART** as follows;

2. That the court's **Order of Dismissal of Defendant, Cantex, Inc., Only** [#127] entered August 25, 2014 is **AMENDED** to reflect that only the claims filed by plaintiffs, The Phoenix Insurance Company; The Travelers Indemnity Company; and The Travelers Property Casualty Company of America, against defendant, Cantex, Inc., are dismissed; and

3. That Cantex, Inc., is **REINSTATED** as a party defendant vis-à-vis the crossclaims of defendant, Landmark American Insurance Company.

Dated August 27, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge