

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

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

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

Plaintiffs,

v.

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

Defendants,

and

OLD REPUBLIC INSURANCE COMPANY,

Third Party Plaintiff,

v.

CONTINENTAL INSURANCE COMPANY,
AMERICAN INSURANCE COMPANY,
LANDMARK AMERICAN INSURANCE COMPANY,
AMERISURE INSURANCE COMPANY,

Third Party Defendants.

ORDER

Pending are the following:

- (1) **Cantex' Withdrawal of Its Motion to Stay or Dismiss** [Doc. # 157, filed 9/17/2014] ("Cantex' Motion to Withdraw Motion");

- (2) **Cantex' Motion to Stay or Dismiss** [Doc. # 102, filed 8/1/2014]
- (3) **Continental's Motion to Clarify** [Doc. # 154, filed 9/11/2014]; and
- (4) **Continental's Unopposed Motion to File Cross-Claim** [Doc. # 110, filed 8/13/2014].

The parties appeared this afternoon; I heard arguments of the pending motions; and I made rulings on the record, which are incorporated here.

IT IS ORDERED:

- (1) Cantex' Motion to Withdraw Motion [Doc. # 157] is GRANTED;
- (2) Cantex' Motion to Stay or Dismiss [Doc. # 102] is DENIED as withdrawn;
- (3) Continental's Motion to Clarify is GRANTED. My previous order [Doc. # 130] denying as moot the Unopposed Motion of Continental to File Cross-Claim was entered in error and is vacated, and the Unopposed Motion of Continental to File Cross-Claim [Doc. # 110] is restored to the docket;

(4) Continental's Unopposed Motion of to File Cross-Claim [Doc. # 110] is GRANTED. The Clerk of the Court is directed to accept for filing Continental Insurance Company's Cross-Claim for Declaratory Judgment Against Defendant Cantex, Inc. [Doc. # 110-1].

(5) A scheduling conference is set for January 13, 2015, at 10:00 a.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The parties shall prepare a proposed scheduling order and submit it to the court on or before January 6, 2015.

Dated September 19, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge