

**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
THE TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA,

Plaintiffs,

v.

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

Defendants.

ORDER DISMISSING CLAIM

Blackburn, J.

The matter is before me is the **Stipulation for Dismissal Without Prejudice of Cantex Inc.'s Bad Faith Claim Against Scottsdale Insurance Company** [#247],¹ filed June 18, 2015. After careful review of the stipulation and the record, I conclude that the stipulation should be approved and that the bad faith claim of Cantex, Inc. ("Cantex") against Scottsdale Insurance Company ("Scottsdale") should be dismissed without prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulation for Dismissal Without Prejudice of Cantex Inc.'s Bad Faith Claim Against Scottsdale Insurance Company** [#247], filed June 18, 2015, is

¹ "[#247]" 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.

approved; and

2. That the following claims and/or allegations, only, are dismissed without prejudice:

- a. The bad faith claim of Cantex against Scottsdale as asserted in the Second Claim for Relief in the **Third-Party Complaint of Cantex Inc. Against Scottsdale Insurance Company and Continental Casualty Company** [#174], filed October 21, 2014;
- b. The allegations asserted against Scottsdale in paragraphs 67 and 68 of the Third-Party Complaint of Cantex; and
- c. The prayer for punitive damages against Scottsdale asserted in paragraph B of the Prayer for Relief of the Third-Party Complaint of Cantex.

Dated June 23, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge