

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

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

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,
CONTINENTAL INSURANCE COMPANY, and
AMERISURE INSURANCE COMPANY,

Defendants,

and

CANTEX, INC.,

Third Party Plaintiff,

v.

SCOTTSDALE INSURANCE COMPANY, and
CONTINENTAL CASUALTY COMPANY,

Third Party Defendants.

**ORDER DENYING THIRD PARTY DEFENDANT SCOTTSDALE INSURANCE
COMPANY'S MOTION TO BIFURCATE AND STAY ITS TRIAL DEADLINES**

Blackburn, J.

The matter before me is **Third Party Defendant Scottsdale Insurance
Company's Motion To Bifurcate and Stay Its Trial Deadlines** [#277],¹ filed

¹ “[#277]” 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.

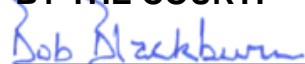
September 16, 2015. In light of the **Notice of Settlement** [#335], filed November 2, 2015, between Cantex, Inc. (“Cantex”) and Amerisure Insurance Company (“Amerisure”) of Cantex’s cross-claims against Amerisure, third-party defendant Scottsdale Insurance Company’s (“Scottsdale”) motion to bifurcate those claims from the claims against Scottsdale is moot.

Moreover, I find no basis for otherwise staying the extant trial deadlines as they relate to the sole remaining breach of contract claim against Scottsdale. Scottsdale’s recent assertion of a counterclaim for declaratory judgment is nothing more than a reiteration of its defense that the obligation of its excess insurance policy have not yet been triggered. That issue has been briefed in Scottsdale’s currently pending summary judgment motion (**see Third-Party Defendant Scottsdale Insurance Company’s Motion for Summary Judgment** [#278], filed September 17, 2015), which is now ripe for determination by this court. Under these circumstances, there is no justifiable reason for yet further delay of this already overly protracted litigation.

THEREFORE, IT IS ORDERED that **Third Party Defendant Scottsdale Insurance Company’s Motion To Bifurcate and Stay Its Trial Deadlines** [#277], filed September 16, 2015, is denied in part and denied as moot in part, as follows:

1. That the motion is denied to the extent it seeks a stay of the extant trial deadlines; and
2. That the motion is denied as moot to the extent it seeks to bifurcate the trial of Cantex’s claims against Amerisure and Scottsdale.

Dated November 3, 2015, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge