

**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, and  
RBR CONSTRUCTION, INC.,

Defendants.

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**ORDER ADOPTING RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE  
AND ADMINISTRATIVELY CLOSING CASE**

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**Blackburn, J.**

The matters before me are (1) the recommendation contained within the **Recommendation of United States Magistrate Judge and Order [#71]**,<sup>1</sup> filed November 19, 2013; and (2) **Plaintiffs' Conditional Objection to Magistrate Judge's Order Dated November 19, 2013 and Request for Expedited Briefing** [#74], filed December 2, 2013. I overrule the conditional objection, adopt the recommendations, and order the case closed administratively.

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<sup>1</sup> "[#71]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Section 636(b) of Title 28 requires that I review *de novo* all portions of the recommendation to which objections have been filed. More importantly, however, plaintiffs state affirmatively that they do not object to the magistrate judge's ruling insofar as it recommends that this case be administratively closed. This concession moots plaintiff's conditional objection to the magistrate judge's denial of their order to extend various pretrial deadlines. Moreover, no other party has filed an objection contesting administrative closure as an appropriate remedy in this matter. Thus, I find and conclude that the arguments advanced, authorities cited, and recommendation proposed by the magistrate judge that this case be closed administratively should be approved and adopted.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge and Order** [#71], filed November 19, 2013, is **APPROVED AND ADOPTED** as an order of this court;
2. That the objections stated in **Plaintiffs' Conditional Objection to Magistrate Judge's Order Dated November 19, 2013 and Request for Expedited Briefing** [#74], filed December 2, 2013, are **OVERRULED**;
3. That all currently pending motions, including, but not limited to (a) **Plaintiffs [sic] Unopposed Motion To Continue Trial Presently Set To Commence on April 7, 2013 and To Modify the Scheduling Order To Reset Deadlines** [#62], filed October 14, 2013; (b) **RBR Construction, Inc.'s Motion for Forthwith Ruling on Unopposed Motion To Continue Trial** [#64], filed October 29, 2013; and (c) **Plaintiffs' Motion for**

**Leave To Extend the Page Limitation for Their Motion for Summary Judgment and Request for Expedited Briefing Schedule on this Motion** [#76], filed December 11, 2103, are **DENIED AS MOOT**;

4. That all pretrial deadlines, the Trial Preparation Conference set March 21, 2014, at 2:30 p.m., and the jury trial set to commence April 7, 2014, are **VACATED**;
5. That under **D.C.COLO.LCivR 41.2**, this action is **CLOSED**

**ADMINISTRATIVELY**; and

6. That under **D.C.COLO.LCivR 41.2**, the clerk is **DIRECTED** to close this civil action administratively, subject to reopening for good cause.

Dated December 11, 2013, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge