

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

Civil Action No. 13-cv-00560-REB-MEH

ACE AMERICAN INSURANCE COMPANY,

Plaintiff,

v.

DISH NETWORK, LLC,

Defendant.

ORDER

Blackburn, J.

This matter is before me on the following: (1) **Ace American Insurance Company's Motion to Enjoin Dish from Prosecuting Parallel Litigation in the United States District Court for the Central District of Illinois** [#93]¹ filed June 12, 2015; (2) **Ace American Insurance Company's Motion to Shorten Time for Consideration of Motion to Enjoin Dish from Prosecuting Parallel Litigation in the United States District Court for the Central District of Illinois** [#95] filed June 12, 2015; (3) the **Motion of Dish Network L.L.C. To Strike the Declaration and Expert Report of John Kezer, Esq. And Supporting Memorandum** [#123] filed July 20, 2015; (4) the **Joint Motion Requesting Oral Argument on Cross-motions for Summary Judgment** [#154] filed November 25, 2015; and (5) **Travelers Property Casualty Company of America's**

¹ “[#93]” 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.

Motion to Intervene for a Limited Purpose [#155] filed December 7, 2015. The parties filed responses and replies addressing each of these motions.

Concurrently with this order, I am filing an order addressing the cross motions for summary judgment of the parties. In that order, I grant the motion for summary judgment of the plaintiff, ACE American Insurance Company. The order granting the motion for summary judgment of ACE effectively moots the motion to enjoin parallel litigation [#93], the motion to expedite the motion to enjoin [#95], and the motion to strike the expert report of John Kezer, Esq. [#123].²

The joint motion for a hearing [#154] on the cross motions for summary judgment is denied. In my order on the cross motions for summary judgment, I state my conclusion that no hearing on the motions is necessary. With 147 pages of briefing on the cross motions for summary judgment, it is readily apparent that a hearing would not inform the issues further.

Finally, the motion to intervene [#155] of Travelers Property Casualty Company of America also is moot. Travelers sought to intervene in this case for the limited purpose of arguing in support of the motion of the defendant to stay or transfer this case [#92]. On February 19, 2016, I entered an order [#169] denying the motion to stay or transfer.

THEREFORE, IT IS ORDERED as follows:

1. That **Ace American Insurance Company's Motion to Enjoin Dish from Prosecuting Parallel Litigation in the United States District Court for the Central District of Illinois** [#93] filed June 12, 2015, is denied as moot;

² The report of Mr. Kezer addresses an issue which I was not required to address in resolving the cross motions for summary judgment.

2. That **Ace American Insurance Company's Motion to Shorten Time for Consideration of Motion to Enjoin Dish from Prosecuting Parallel Litigation in the United States District Court for the Central District of Illinois** [#95] filed June 12, 2015, is denied as moot;

3. That the **Motion of Dish Network L.L.C. To Strike the Declaration and Expert Report of John Kezer, Esq. And Supporting Memorandum** [#123] filed July 20, 2015, is denied as moot;

4. That the **Joint Motion Requesting Oral Argument on Cross-motions for Summary Judgment** [#154] filed November 25, 2015, is denied; and

5. That **Travelers Property Casualty Company of America's Motion to Intervene for a Limited Purpose** [#155] filed December 7, 2015, is denied as moot.

Dated March 25, 2016, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge