

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: January 8, 2014
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 13-cv-02875-RPM

KF 103-CV, LLC.,

Scott D. Albertson

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY.

Gregg S. Rich

Defendant.

Amended COURTROOM MINUTES

Scheduling Conference

10:46 a.m. Court in session.

Discussion regarding pending underlying state and related federal court actions.
Counsel state they anticipate the filing of a notice of appeal in the state court action and its judgment is for a specific dollar amount and equitable relief (modify work previously done).

Mr. Rich answers questions regarding defendant's affirmative defense of failure to give timely notice and defendant's reasons for denial of coverage.

Mr. Rich states coverage was denied because there was no triggering event (no damage resulting from an occurrence).

Discussion regarding case facts (easement/access-no notice/approval)(settlement between "Neighbors" and Infinity)(plaintiff-182 acres single family residence development).

Discussion regarding issues of duty to defend and indemnity.

Counsel agree to proceed on the issue of duty to defend by the filing of motions based on the record of the pleadings and policy.

ORDERED: Plaintiff's Motion to Strike Defendant American Family's Designation of Non-Party at Fault [15], is granted. Double recovery will not occur.

Motions due by March 17, 2014.

No Scheduling Order entered.

No protective order necessary at this time.

11:16 a.m. Court in recess. Hearing concluded. Total time: 30 min.