

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-00638-CMA-NYW

ARKANSAS RIVER POWER AUTHORITY,

Plaintiff/Counter Defendant,

v.

THE BABCOCK & WILCOX POWER COMPANY,
f/k/a BABCOCK & WILCOX POWER GENERATION GROUP, INC.,

Defendant/Counter Claimant.

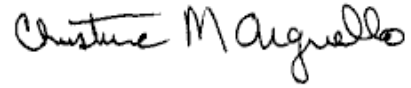
ORDER DENYING MOTIONS FOR PARTIAL SUMMARY JUDGMENT

Currently before the Court are two motions for partial summary judgment, both filed on August 24, 2015: Defendant's Motion for Partial Summary Judgment (Doc. # 118) and Plaintiff's Motion for Partial Summary Judgment on Plaintiff's Seventh and Eight Claims for Relief and Defendant's Counterclaims (Doc. # 119). Upon review of the parties' briefing on both motions and the evidence referenced therein, the Court determines that genuine issues of material fact preclude the Court from granting either motion for partial summary judgment.

Accordingly, the Court ORDERS that Defendants' Motion for Partial Summary Judgment (Doc. # 118) is DENIED and that Plaintiff's Motion for Partial Summary Judgment on Plaintiff's Seventh and Eight Claims for Relief and Defendant's Counterclaims (Doc. # 119) is DENIED.

DATED: December 11, 2015

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a loop at the end of the last name.

CHRISTINE M. ARGUELLO
United States District Judge