

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Lewis T. Babcock, Judge

Civil Action No. 14-cv-01534-LTB-MJW

PARKER EXCAVATING, INC., a Colorado corporation,

Plaintiff,

v.

LAFARGE WEST, INC., a Delaware corporation,  
MARTIN MARIETTA MATERIALS, INC., a North Carolina corporation,  
FIDELITY AND DEPOSIT COMPANY OF AMERICA, a Maryland corporation,  
NICK GUERRA,  
ALF RANDALL, in his individual capacity, and  
ROBERT SCHMIDT, in his individual capacity,

Defendants.

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ORDER

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This case is before me on Plaintiff's Motion to Consolidate Claims and Bifurcate Trial [Doc # 182]. By the motion, Plaintiff seeks to bifurcate the trial in this case so that its contract claims and its discrimination claims are tried separately. Based on recent rulings on the summary judgment motions filed by Defendants, however, there are no pending discrimination claims. Plaintiff's motion is therefore moot except for Plaintiff's consent therein to the dismissal of its unjust enrichment claim.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Consolidate Claims and Bifurcate Trial [Doc # 182] is GRANTED IN PART and DENIED IN PART;

2. Plaintiff's Sixth Claim For Relief for unjust enrichment is hereby DISMISSED WITH PREJUDICE; and

3. In all other respects, Plaintiff's Motion is DENIED AS MOOT.

Dated: May 3, 2016 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE