

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

Civil Action No. 15-cv-01003-RPM

RK MECHANICAL, INC.;
THE UNITED STATES FOR THE USE OF RK MECHANICAL, INC.,

Plaintiffs,

v.

CENTERRE CONSTRUCTION, INC.;
MATSUO ENGINEERING CENTERRE CONSTRUCTION A JOINT VENTURE, LLC;
BERKLEY REGIONAL INSURANCE COMPANY;
BERKLEY SURETY GROUP, LLC,

Defendants.

ORDER TO PROCEED WITH ARBITRATION AND
ORDER OF STAY

On September 2, 2015, the defendants moved to dismiss the amended complaint or, in the alternative, stay plaintiffs' claims pending completion of alternative dispute resolution procedures. That motion (dkt. 22) and the defendants' motion directed to the original complaint (dkt. 18) were heard on December 11, 2015. Upon consideration of the pleadings, motions, briefs, exhibits, and arguments of counsel, it is

ORDERED that the Defendants' motion to dismiss the original complaint (dkt. 18) was rendered moot by the plaintiffs' filing of the amended complaint; it is

FURTHER ORDERED that Count I of plaintiffs' amended complaint for breach of contract against Defendant Centerre Construction, Inc., and issues arising out of or relating to the alleged breach of contract, are referred to arbitration; it is

FURTHER ORDERED that the Plaintiff's other claims against all defendants are stayed pending arbitration of RK Mechanical's breach of contract claim against Centerre (Count I), and it is

FURTHER ORDERED that the Defendants' motion to dismiss is denied.

Dated: December 14, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge