

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**KEARNEY CONSTRUCTION COMPANY,
LLC,**

Plaintiff,

v.

Case No. 8:09-cv-1850-T-30TBM

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, et al.,**

Defendants.

ORDER


THIS CAUSE comes before the Court upon Plaintiff's and Third Party Defendants' Motion for Relief from Order on Specific Performance Pending Determination of Validated Collateral Security Amount (Dkt. 89) and Travelers' Memorandum in Opposition of same (Dkt. 97). The Court, having considered the motion, response, and being otherwise advised in the premises, concludes that the motion should be granted to the extent that the parties may put on evidence as to a reasonable collateral amount. Upon hearing the evidence, the Court will decide whether the \$3.5 million collateral amount should be amended.

Accordingly, it is therefore

ORDERED AND ADJUDGED that Plaintiff's and Third Party Defendants' Motion for Relief from Order on Specific Performance Pending Determination of Validated Collateral Security Amount (Dkt. 89) is hereby GRANTED to the extent that the Court

hereby schedules an evidentiary hearing on **MONDAY, OCTOBER 18, 2010, AT 9:00 A.M.** at the U. S. Sam Gibbons Courthouse, 801 North Florida Avenue, Courtroom #13A, Tampa, Florida 33602, to hear evidence from the parties as to the reasonableness of the collateral security amount.

DONE and **ORDERED** in Tampa, Florida on September 8, 2010.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

S:\Even\2009\09-cv-1850.mtforreliefAMENDED.wpd