

DISTRICT COURT ARAPAHOE COUNTY, STATE OF COLORADO Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112	FILED Document CO Arapahoe County District Court 18th JD Filing Date: Dec 1 2009 3:58PM MST Filing ID: 28290567 Review Clerk: N/A Court Use Only
Plaintiff: STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL v. Defendants: COLORADO HUMANE SOCIETY & S.P.C.A., INC.; MARY C. WARREN, an individual; ROBERT WARREN, an individual; and STEPHENIE L. GARDNER, an individual	<hr/> Case No. 08CV2659 Courtroom: 404
ORDER RE: BIFURCATION OF CUSTODIAN’S CLAIMS AGAINST PINNACOL ASSURANCE AND NEED TO SET TRIAL DATE	

THIS MATTER comes before the Court based on an oral motion in open court by Waverton Group on November 13, 2009. The Court being fully advised in the premises finds and orders as follows:

A trial court is vested with broad discretion to determine a motion to bifurcate a trial. *Novell v. American Guarantee and Liab. Ins. Co.*, 15 P.3d 775 (Colo. App. 1999). Under C.R.C.P. 42(b), a court may order the separate trial of any separate issue or of any number of claims or counterclaims in the furtherance of convenience, to avoid prejudice, or when separate trials would be conducive to expedition or economy in the adjudicatory process. *Duhon v. Nelson*, 126 P.3d 262, 263 (Colo. App. 2005), *citing Gaede v. Dist. Court*, 676 P.2d 1186, 1188 (Colo. 1984).

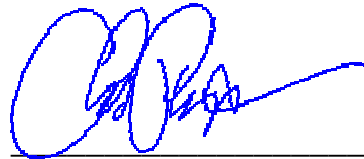
During the November 13, 2009, hearing, the Custodian, Waverton Group, made clear that its dispute with Pinnacol Assurance regarding the workers’ compensation reimbursement claim should be bifurcated from the Attorney General’s Office civil enforcement action against the Warrens. The Custodian then moved to bifurcate the claim from the pending Colorado Humane Society

action. The Court agreed and stated it would issue an order bifurcating this issue since the dispute concerned unrelated parties to the underlying action against the Warrens. The Court believes such a bifurcation would further the aims of convenience, avoiding prejudice, or expediting the adjudicatory process.

Therefore, the workers' compensation reimbursement action between Waverton Group and Pinnacol Assurance is bifurcated. The parties, thus, will need to set a trial date for this action.

SO ORDERED THIS 1st DAY OF DECEMBER 2009.

BY THE COURT:



Charles M. Pratt
District Court Judge