

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	
<hr/> Plaintiff: POWEERTECH (USA) INC, v. Defendant: STATE OF COLORADO MINED LAND RECLAMATION BOARD And Defendant Intervenors: COLORADOANS AGAINST RESOURCE DESTRUCTION; TALLAHASSEE AREA COMMUNITY, INC.; and SHEEP MOUNTAIN ALLIANCE.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 10CV8615 Ctrm: 215
ORDER	

THIS MATTER is before the Court on Plaintiff’s Motion for Entry of Judgment. Upon consideration of the motion, and having reviewed the responses and the reply thereto, as well as the Court’s file and applicable authorities, the Court finds and orders as follows.

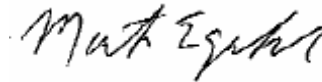
Plaintiff asserts that entry of judgment in this matter has never been completed or finalized inasmuch as the written order of then-Judge Christina Habas issued on July 13, 2012 was not signed on the date it was issued. *See* C.R.C.P. 58(a). The Court file, as reflected within the Nexis/Lexis system, reflects that a written order was indeed issued on July 13, 2012, and electronically transmitted to the parties. That order does not contain an electronic signature. The Register of Actions for July 13, 2012 states: “Judge Christina Habas: Plaintiffs Complaint for Judicial Review filed originally on November 1, 2012 is dismissed. Appropriate costs shall be awarded [sic] upon proper filing. CC: efiled.” It also appears that at some point after Judge

Habas issued the order an electronic signature was placed on the order and provided to Defendant although apparently not to Plaintiff.¹

A final judgment is “one ‘which ends the particular action in which it is entered, leaving nothing further for the court pronouncing it to do in order to completely determine the rights of the parties involved in the proceedings.’” *Moore and Company v. Williams*, 972 P.2d 999, 1002 (Colo. 1983) quoting *Harding Glass Co. v. Jones*, 640 P.2d 1123, 1125 n. 2 (Colo. 1982). The Court notes that the order issued on July 13, 2012, was clearly a complete and final resolution of the merits of this action. Counsel for all parties clearly received notice of the order through the e-filing system. The order was also duly recorded on the Register of Actions. However, lest there be any argument as to the effectiveness of the order, this Court hereby adopts the findings and conclusions of Judge Habas as expressed in the written order of July 13, 2012. By this Order the Court expresses no opinion as to the timing of any appeal of the substantive order. *See Moore, supra*; C.A.R. 4.

SO ORDERED this 2nd day of November, 2012.

BY THE COURT:



Martin F. Egelhoff
District Court Judge

¹ Judge Habas resigned from the Denver District Court on July 13, 2012, the same day the order issued. Her division clerk also resigned shortly thereafter. This Court has no knowledge when the electronic signature was affixed upon the order.