

Plaintiff/Appellant also attempted to contact Jeffrey Parsons, attorney for Defendant/Intervenors to confer about this motion but did not receive a response. Plaintiff assumes Defendant/Intervenors oppose this motion.

2. C.R.C.P. Rule 58(a) provides, in part, that “upon a decision by the court, the court shall promptly prepare, date, *and sign* a written judgment and the clerk shall enter it on the register of actions as provided in C.R.C.P. 79(a).... The effective date of entry of judgment shall be the actual date of *the signing* of the written judgment” (emphasis added).

3. Judge Habas never signed the Order. Consequently, entry of judgment in this matter has never been completed or finalized. “[A] judgment is not final until there is a written order, dated *and signed* by the trial court.” *In the Matter of the Estate of Clarence Royal*, 813 P.2d 790, 791 (Colo. App. 1991) (citations omitted) (emphasis added).

4. Lacking an entry of judgment in this matter means, among other things, that Plaintiff cannot move for post-trial relief under C.R.C.P. Rule 59 or appeal the Order under C.A.R. Rule 4(a). Both rules become operative and available to Plaintiff only upon a valid entry of judgment. See *Joslin Dry Goods Co. v. Villa Italia, Ltd.*, 539 P.2d 137, 138 (Colo. App. 1975), finding that, because “the record does not contain a proper entry of judgment..., we may not render an opinion on the merits.”

WHEREFORE, Plaintiff respectfully asks this Court to sign the Order and thereby effect its entry as of the date of signing.

DATED this 1st day of October 2012.

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s/ Paul G. Buchmann

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**ATTORNEYS FOR PLAINTIFF/APPELLANT
POWERTECH (USA) INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2012, a true and correct copy of the foregoing **Plaintiff/Appellant's Motion for Entry of Judgment** was filed with the Court and served via LexisNexis File & Serve™ upon the following:

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s/ Kimberly L. Wise

In accordance with C.R.C.P. 121 §1-26(7), a printed or printable copy of this document with original or scanned signatures is maintained by the filing party and will be made available for inspection by the other parties or the Court upon request.