

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: 1437 Bannock Street, Denver, CO 80202	▲ COURT USE ONLY ▲
Plaintiffs: Ananda Marga, Inc., et.al v. Defendants: Acharya Vimalananda Avadhuta, et al., And Intervenor: Ananda Marga Pracaraka Samgha.	
ORDER OF JUDGMENT	

THIS MATTER is before me on Defendants’ and Intervenor’s Motion for Entry of Order and Judgment and Request for Immediate Attention, filed May 19, 2011. I have reviewed the motion, the response and all pertinent pleadings and authority and now order as follows:

This case came on for trial to the Court on May 9, 2011. Testimony and evidence was presented through May 13, 2011. Plaintiffs were present and were represented by Stephen T. Erwin, Esq. and Alexander Halpern, Esq. Defendants and Intervenor were also present and they were represented by Timothy Obitts, Esq. (PHV) and Mae Chung, Esq. (PHV). Alan C. Friedberg, Esq. and George W. Mueller, Esq. were present as local counsel for the Defendants and Intervenor.

On May 13, 2011, at the completion of the Plaintiff’s evidence, Defendants’ and Intervenor’s made their oral motion for involuntary dismissal pursuant to C.R.C.P. 41(b)(1) and motion for reconsideration of their Joint Motion for Summary Judgment pursuant to C.R.C.P. 56. A ruling on these motions was deferred and they were taken under advisement. On May 16, 2011, with all parties and counsel present in open court, the Court orally issued its findings of fact, conclusions of law and Order. Counsel for Defendants/Intervenor, Mr. Obitts was ordered to prepare and submit a conforming order in accordance with CRCP Rule 121. Subsequent to the Order entered on May 16, 2011 in open court, a dispute arose between the parties as to the efficacy and timeliness of the Court’s Order.¹ This dispute resulted in the filing of Defendants’ and Intervenor’s Motion for Entry of Order and Judgment and Request for Immediate Attention. After review of the pleadings in this case, together with the motion and response herein, I am satisfied that the parties cannot agree on the contents of the conforming order Mr. Obitts was directed to prepare.

¹ The extent to which, if at all, Plaintiffs’ authorized or participated in the email blogging which forms, in part, the basis for Movants’ motion is disputed by the Plaintiffs. However, the resolution of that question is unnecessary to the determination of the issues here and is of no consequence to the Court at this time.

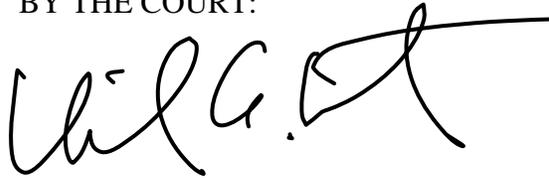
Therefore, the Defendants' and Intervenor's Motion for Entry of Order and Judgment is now GRANTED with the following amendments. Judgment is hereby entered, pursuant to CRCP 58, in favor of Defendants and Intervenor on all of Plaintiffs' claims *nunc pro tunc* May 16, 2011. Judgment is hereby entered, pursuant to CRCP 58, and in favor of Defendants and Intervenor on their counterclaims, *nunc pro tunc* May 16, 2011. Further, Defendants' and Intervenor's motion for reconsideration of their Joint Motion for Summary Judgment pursuant to C.R.C.P. 56 is also GRANTED, *nunc pro tunc* May 16, 2011. In entering this Order of Judgment, I have adopted and expressly incorporate by reference, as though fully set forth herein, the findings of fact and conclusions of law that were stated in open court on May 16, 2011. The parties are directed to obtain a transcript of that record and the transcript, together with this Order, will serve as the written order of judgment.

The effective date of entry of this judgment shall not be delayed for the taxing of costs, and said effective date is May 16, 2011.

The clerk shall enter this judgment on the register of actions pursuant to C.R.C.P. 79(a).

SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael A. Martinez", with a long horizontal stroke extending to the right.

MICHAEL A. MARTINEZ
District Court Judge

