

2. It is hereby **ORDERED** that Plaintiff's Motion to Dismiss Counterclaim Count III (ECF No. 14) is **DENIED**.

/s/George Z. Singal

U.S. District Judge

Dated this 25th day of February, 2015.

Plaintiff

**TETRA TECH CONSTRUCTION
INC**

represented by **JOHN D. FOGNANI**
FOGNANI & FAUGHT, PLLC
1801 BROADWAY
SUITE 800
DENVER, CO 80202
303-382-6200
Email: jfognani@fognanilaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

KATHLEEN M. REPKO
FOGNANI & FAUGHT, PLLC
1801 BROADWAY
SUITE 800
DENVER, CO 80202
303-382-6200
Email: krepko@fognanilaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SCOTT L. SELLS
SELLS LAW FIRM LLC
477 CONGRESS STREET
5TH FLOOR
PORTLAND, ME 04101
207-749-3371
Email: sls@sellslawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**SUMMIT NATURAL GAS OF
MAINE INC**

represented by **JOHN P. GIFFUNE**
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND, ME 04112
207-774-4000
Email: jgiffune@verrilldana.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. ROBERT RUESCH
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND, ME 04112
(207) 774-4000
Email: rruesch@verrilldana.com
ATTORNEY TO BE NOTICED

MARIE J. MUELLER
VERRILL DANA LLP
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND, ME 04112
(207) 253-4758
Email: mmueller@verrilldana.com
ATTORNEY TO BE NOTICED

Counter Claimant

**SUMMIT NATURAL GAS OF
MAINE INC**

represented by **JOHN P. GIFFUNE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. ROBERT RUESCH
(See above for address)
ATTORNEY TO BE NOTICED

MARIE J. MUELLER
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**TETRA TECH CONSTRUCTION
INC**

represented by **JOHN D. FOGNANI**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHLEEN M. REPKO
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SCOTT L. SELLS
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED