

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: June 1, 2017
Original Proceeding District Court, Weld County, 2015CV30227	
<p>In Re</p> <p>Plaintiffs:</p> <p>Wilson Henry Rains, natural father and heir of Tori Rains-Wedan, deceased, and Bjorn John Wedan, natural father and heir of Austin Wedan, Hunter Wedan and Mason Wedan, deceased,</p> <p>v.</p> <p>Defendants:</p> <p>Douglas Barber, personal representative of The Estate of Oliver Ezard Frasca, a/k/a Oliver E. Frasca, a/k/a Oliver Frasca; The Real Estate School, a Colorado LLC; and Joseph B. Lechtanski.</p>	Supreme Court Case No: 2017SA32
ORDER OF COURT	

Upon consideration of the Petition for Rule to Show Cause, the Respondents' Answer Brief to the Rule to Show Cause, and the Petitioners' Reply filed in the above cause, and now being sufficiently advised in the premises, the Court orders as follows:

Upon review of the record, we conclude that judgment has not entered on the jury's verdict dated April 26, 2016. Because a motion pursuant to C.R.C.P. 59 is premised upon the entry of judgment under C.R.C.P. 58, the trial court lacked

authority to grant the Plaintiffs' Rule 59 Motion for Judgment Notwithstanding the Verdict and for New Trial.

IT IS ORDERED that the trial court's Order of July 28, 2016, and the trial court's Orders of September 1, 2016, are VACATED. We make our Rule to Show Cause ABSOLUTE and remand this matter for entry of judgment and further proceedings consistent with this Order.

BY THE COURT, EN BANC, JUNE 1, 2017.