

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **99-cv-1711-JLK**

ENERGY ACQUISITION CORP., a Colorado corporation; MICHIGAN EXPLORATION, INC., a Michigan corporation; MICHIGAN PRODUCTION COMPANY, L.L.C., a Michigan limited liability company; and MICHIGAN ENERGY COMPANY, a Michigan limited liability company,

Plaintiffs and Counter-Defendants,

v.

MILLENNIUM ENERGY FUND, L.L.C., a Delaware limited partnership; WILLIAMS POWER COMPANY, INC. f/k/a Williams Energy Marketing & Trading Company, a Delaware corporation; and SPV, L.L.C., an Oklahoma limited liability company,

Defendants and Counter-Plaintiffs, and
Third-Party Plaintiff,

v.

DWAIN M. IMMEL, an individual,

Third-Party Defendant.

ORDER DISMISSING WITH PREJUDICE THIRD PARTY CLAIMS

Kane, J.

THE COURT, having reviewed the parties' Joint Stipulation of Dismissal with Prejudice of Third-Party Claims, hereby Grants such Stipulation. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Third-Party Claims against Immel are hereby DISMISSED WITH PREJUDICE.

Each party shall bear its or his own attorneys fees and costs.

Dated: September 30, 2009

BY THE COURT:

s/John L. Kane

JOHN L. KANE, SENIOR JUDGE
UNITED STATES DISTRICT COURT