

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 03-cv-00031-WDM-MEH

JANET BOESER,

Plaintiff,

v.

ANTHONY D. SHARP, et al.,

Defendants.

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**ORDER ON MOTION TO STRIKE**

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Miller, J.

This matter is before me on Plaintiff Janet Boeser's Motion to Strike (doc no 436), which contains Plaintiff's objections to portions of Defendants' reply brief regarding their request for attorneys' fees. Plaintiff argues that I should disregard Defendants' contention in their reply brief that Valdoro Sales and Marketing, LLC and Valdoro Development, LLP should be treated as a single entity for the purposes of awarding attorneys' fees pursuant to contract. As I noted in my order (doc no 439) granting in part Defendants' motion for attorneys' fees, it is Plaintiff that has taken an inconsistent position regarding whether the separate entity status of these two defendants should be disregarded in this litigation. Plaintiff also objects to the failure of the Defendants to allocate fees among the various Defendants and claims. As I have reserved ruling on the amount of fees to be paid and have ordered a hearing on this, Plaintiff's objections in this regard are denied without prejudice to raising them at the hearing and any further briefs on the matter.

Accordingly, it is ordered:

1. Plaintiff Janet Boeser's Motion to Strike (doc no 436) is denied.

DATED at Denver, Colorado, on April 1, 2009.

BY THE COURT:

s/ Walker D. Miller  
United States Senior District Judge