

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Wiley Y. Daniel

Civil Action No. 05-cv-00118-WYD-BNB

GMAC REAL ESTATE, LLC, a Delaware limited liability company,

Plaintiff,

v.

REAL ESTATE SALES OF THE ROCKIES, LTD., a dissolved Colorado corporation,
a/k/a ROCKIES REAL ESTATE STORE, LTD.;
GMAC REAL ESTATE OF THE ROCKIES LIMITED, a Colorado corporation;
ROCKIES REAL ESTATE STORE LIMITED, a Colorado corporation;
MICHAEL D. MADSEN, an individual; and
JOHN DOE CORPORATION NOS. 1 THROUGH 5,

Defendants.

ORDER

THIS MATTER is before the Court on the Stipulation of Dismissal with Prejudice (Except as to Sanctions) (# 93), filed by the parties on February 17, 2006. Having reviewed the Stipulation and being otherwise fully advised, the Court hereby orders as follows:

1. All claims asserted in Plaintiff's Amended Complaint and all claims asserted in Defendants' Counterclaims are hereby **DISMISSED WITH PREJUDICE**.

2. This Order does not address, dismiss or resolve issues relating to the attorneys' fees and costs that the Court by Order dated January 27, 2006 ordered Defendants to pay to Plaintiff as sanctions for Defendants' failure to comply with the Court's October 11, 2005 Order compelling Defendants to produce certain documents in discovery. The Court will decide issues relating to sanctions separately.

3. The Court retains jurisdiction over this case and the Parties for the purpose of resolving issues relating to sanctions and determining the amount of attorneys' fees and costs to be paid by Defendants to Plaintiff as sanctions.

4. With the exception of issues related to sanctions, each Party shall bear its own attorneys' fees and costs incurred in this action.

Dated: February 24, 2006

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

U. S. District Judge

