

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Craig B. Shaffer

Civil Action No. 1:07-cv-00563-CBS-MJW

L&W INNOVATIONS, LLC,  
Plaintiff and Counterclaim Defendant,  
v.

LINLI CONSTRUCTION, INC.,  
JOHN YELENICK,  
GAS-O-HAUL, INC., and  
BRADLEY J. LIGHT,  
Defendants and Counterclaim Plaintiffs,

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LINLI CONSTRUCTION, INC., and  
GAS-O-HAUL, INC.  
Third-Party Plaintiffs,  
v.

JON LIPS,  
CRAIG WARNIMONT,  
PAUL CLUKIES,  
Third-Party Defendants.

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ORDER GRANTING THIRD PARTY PLAINTIFFS' MOTION FOR VOLUNTARY  
DISMISSAL OF CLAIMS PURSUANT TO FED. R. CIV. P. 41(A)(2)

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This civil action comes before the court on Defendants' Motion For Voluntary Dismissal Of Claims Pursuant To Fed. R. Civ. P. 41(a)(2). The court having reviewed the Motion and the entire case file and being sufficiently advised in the premises, IT IS ORDERED that:

1. Defendants' Motion For Voluntary Dismissal Of Claims Pursuant To Fed. R. Civ. P. 41(a)(2) (filed May 7, 2009) (doc. # 178) is GRANTED.

2. Defendant Yelenick's Counterclaims against Plaintiff L&W for Breach of Contract (Yelenick's First Claim for Relief in doc. # 92), Quantum Meruit (Yelenick's Second

Claim for Relief in doc. # 92), and Unjust Enrichment (Yelenick's Third Claim for Relief in doc. # 92) are dismissed without prejudice.

3. Defendant LINLI's Counterclaim and Third Party claim against L&W, Lips, Warnimont, and Clukies for Federal Trademark Infringement (LINLI's Third Claim for Relief in doc. # 90) is dismissed without prejudice.

4. Defendant LINLI's Third Party claims against Clukies for Common Law Trademark (LINLI's Fourth Claim for Relief in doc. # 90), Misappropriation of Business Values (LINLI's Sixth Claim for Relief in doc. # 90), Unjust Enrichment (LINLI's Seventh Claim for Relief in doc. # 90), and Demand for Accounting (LINLI's Eighth Claim for Relief in doc. # 90) are dismissed without prejudice as to Third-Party Defendant Clukies only.

5. Defendant Gas-O-Haul's claim against Clukies for Unjust Enrichment (Gas-O-Haul's Third Claim for Relief in doc. # 89) is dismissed without prejudice as to Third-Party Defendant Clukies only.

DATED at Denver, Colorado this 7th day of May, 2009.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge