

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-01554-REB-CBS

UNITED STATES OF AMERICA for the use of
JBLANCO ENTERPRISES INC., d/b/a SILVERCOOL SERVICE CO., a Colorado
corporation,

Plaintiff,

v.

ABBA BONDING, INC. d/b/a ABBA BONDING, an Alabama corporation, and
MORRIS C. SEARS,

Defendants.

**ORDER OF DISMISSAL
AS TO DEFENDANT MORRIS C. SEARS ONLY**

Blackburn, J.

The matter before me is the **Stipulation For Dismissal** [#178] filed February 24, 2010. After careful review of the stipulation and the file, I conclude (1) that the stipulation should be approved; (2) that all claims of plaintiff should be dismissed with prejudice as to Morris C. Sears, individually, but without prejudice as to Proof of Claim No. 8, dated May 21, 2009, filed by plaintiff in the United States Bankruptcy Court of the Southern District of Alabama in Case No. 09-11053; and (3) that all counterclaims of Morris C. Sears against plaintiff should be dismissed with prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulation For Dismissal** [#178] filed February 24, 2010, is

APPROVED;

2. That all claims of plaintiff are **DISMISSED WITH PREJUDICE** as to Morris C.

Sears, individually, but **WITHOUT PREJUDICE** as to Proof of Claim No. 8, dated May 21, 2009, filed by plaintiff in the United States Bankruptcy Court of the Southern District of Alabama in Case No. 09-11053;

3. That all counterclaims of Morris C. Sears against plaintiff are **DISMISSED WITH PREJUDICE**;

4. That the plaintiff and Morris C. Sears **SHALL BE RESPONSIBLE** for their own attorney fees and costs;

5. That plaintiff's **Motion To Dismiss Counterclaims of Defendant Morris C. Sears** [#172] filed February 11, 2010, is **DENIED** as moot: and

6. That defendant Morris C. Sears is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated February 25, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge