

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

Civil Action No. 07-cv-01738-WYD-MJW

JACQUELINE BIRDSALL,

Plaintiff,

v.

ROANOKE COMPANIES GROUP, INC., now known as BRTT, INC.;
ROANOKE COMPANIES, INC., Individually and as Successor in Interest to ROANOKE
COMPANIES GROUP, INC.;
HOME DEPOT, U.S.A, INC.; and
AEROFIL TECHNOLOGY, INC.

Defendants.

**ORDER OF JUDGMENT IN FAVOR OF DEFENDANT AEROFIL ON PLAINTIFF'S
COLORADO CONSUMER PROTECTION ACT CLAIM**

THIS MATTER is before the Court on Defendant Aerofil Technology, Inc.'s Partial Motion for Judgment on the Pleadings (ECF No. 58), filed August 13, 2010. In the motion, Defendant Aerofil Technology, Inc. ("Aerofil") requests an order of judgment on Plaintiff's claim for a violation of the Colorado Consumer Protection Act ("CCPA") pursuant to Fed. R. Civ. P 8(a), 9(b), 12(b)(6) and 12(c). Specifically, Defendant Aerofil asserts that Plaintiff failed to plead the necessary particulars of any misrepresentation by Aerofil and failed to plead the requisite significant public impact of a claim under the CCPA.

On October 1, 2010, Plaintiff filed responsive pleadings to other similar pending motions before the Court, however, she failed to specifically respond to Aerofil's motion.

Thus, on October 4, 2010, I issued an Order to Show Cause as to whether Plaintiff opposed Defendant Aerofil's motion. On October 6, 2010, Plaintiff responded to the Order to Show Cause and advised the Court that she does not oppose Defendant Aerofil's motion requesting dismissal of Plaintiff's CCPA claim against Defendant Aerofil only.

After a careful review of the file, the Court has concluded that Defendant Aerofil's unopposed motion should be granted and judgment entered in its favor on Plaintiff's claim for violation of the CCPA pursuant to Fed. R. Civ. P 8(a), 9(b), 12(b)(6) and 12(c). Accordingly, it is

ORDERED that Defendant Aerofil Technology, Inc.'s Partial Motion for Judgment on the Pleadings (ECF No. 58) is **GRANTED**. In accordance therewith, judgment shall be entered in Defendant Aerofil's favor on Plaintiff's claim for violation of the CCPA. It is

FURTHER ORDERED that the Order to Show Cause dated October 4, 2010 is hereby **DISCHARGED**.

Dated: October 8, 2010

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge