

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 08-cv-00002-WDM-MJW

LINDA MARIE ANDREWS,

Plaintiff,

v.

CLARION MORTGAGE CAPITAL, INC.,
CLARION MORTGAGE CAPITAL,
COUNTRYWIDE HOME LOANS, INC.,
ATTORNEYS TITLE GUARANTY FUND, INC.,
SANDY TANGNEY,
RESIDENTIAL CAPITAL GROUP,

Defendants.

ORDER OF STIPULATED DISMISSAL

Miller, J.

This matter is before me on Plaintiff's Notice of Dismissal of Plaintiff's Claims (Docket No. 46) and the Stipulation for Entry of Judgment Against Sandy Tangney (Docket No. 45). As an answer has been filed in this case (see Docket No. 21), pursuant to Fed. R. Civ. P. 41(a)(1)(ii), to obtain dismissal of the action without a court order the parties must provide a "stipulation of dismissal signed by all parties who have appeared." Although Plaintiff's Notice of Dismissal of Plaintiff's claims is not alone sufficient under this rule, when viewed in combination with the Stipulation for Entry of Judgment it does meet the requirements of Fed. R. Civ. P. 41(a)(1)(ii). Indeed, the Stipulation for Entry of Judgment states that "[e]ach party hereto hereby releases any

claims asserted herein or that could have been asserted herein that arise from or are related to the mortgage loan made to Mrs. Andrews described in the Complaint.”

(Docket No. 45 at 2). It further states that “[a]ll other claims by and between the parties in this matter are hereby dismissed with prejudice with each party to bear its own costs and fees.” *Id.* The Stipulation for Entry of Judgment is signed by all parties or their attorney. *Id.* Accordingly, it is ordered that the complaint is dismissed with prejudice, each party bearing his or her own attorneys’ fees and costs.

DATED at Denver, Colorado, on July 13, 2009.

BY THE COURT:

s/ Walker D. Miller
United States District Judge