

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

Civil Action No. 08-cv-00248-REB-MEH  
(Consolidated with Civil Action No. 08-cv-00359-REB-MEH)

WHITE RIVER VILLAGE, LLP and  
WHITE RIVER TOWNHOMES, LLC,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND,

Defendant, Third-Party Plaintiff,

v.

S&S JOINT VENTURE,

Third-Party Defendant, Counterclaim Plaintiff,

BELLAVISTA BUILDERS,  
CRUZAN CONSTRUCTION COMPANY,  
RENTERIA ROOFING, and  
EC CONTRACTORS, LLC,

Third-Party Defendants,

JONATHAN REED & ASSOCIATES, INC.,

Third-Party Defendant, Cross-Claim Defendant.

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**ORDER DISMISSING CLAIMS OF FIDELITY & DEPOSIT  
COMPANY OF MARYLAND AGAINST WHITE RIVER ENTITIES**

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**Blackburn, J.**

The matter is before the court on the **Stipulated Motion For Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(2) and 41(a)(1)(A)(ii)** [#705]<sup>1</sup> filed October 31,

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<sup>1</sup> “[#705]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

2014. After reviewing the motion and the record, I conclude that the motion should be granted and the claims of Fidelity and Deposit Company of Maryland against White River Village, LLP, White River Townhomes, LLC, and Jonathan Reed & Associates, Inc., should be dismissed without prejudice.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Stipulated Motion For Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(2) and 41(a)(1)(A)(ii)** [#705] filed October 31, 2014, is granted;
2. That the claims of Fidelity and Deposit Company of Maryland against White River Village, LLP, White River Townhomes, LLC, and Jonathan Reed & Associates, Inc., are dismissed without prejudice;
3. That Fidelity and Deposit Company of Maryland, White River Village, LLP, White River Townhomes, LLC, and Jonathan Reed and Associates, Inc., agree that they will not seek to recover from each other any costs and fees incurred in this matter; and
4. That nothing in this dismissal shall be considered or construed as a dismissal or waiver of any claim Fidelity and Deposit Company of Maryland has or may have against any other party to this action.

Dated March 12, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge