

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Richard P. Matsch

Civil Action No. 08-cv-01114-RPM-MEH

FEDERAL FRUIT & PRODUCE CO.,

Plaintiff,

v.

RED TOMATO, INC.,
THOMAS R. LIOTTA, and
JESSICA LIOTTA,

Defendants.

ORDER OF DISMISSAL AS TO REMAINING DEFENDANT JESSICA LIOTTA
WITHOUT PREJUDICE

In this civil action a judgment was entered as to the defendant Red Tomato, Inc., on March 20, 2009. The defendant Thomas R. Liotta, deceased, was dismissed by a notice of dismissal on February 3, 2009, and the remaining defendant Jessica Liotta filed bankruptcy. On January 12, 2010, this Court entered an order to show cause why this action should not be dismissed as to defendant Jessica Liotta and on January 21, 2010, the plaintiff filed a response to that order to show cause, consenting to an order of dismissal and anticipation of a settlement of an adversary proceeding in the Bankruptcy Court. Pursuant to that response, it is now

ORDERED that this civil action is dismissed, without prejudice, as to the remaining defendant Jessica Liotta.

DATED: January 22nd, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge