

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-01592-PAB-CBS

ROBERT LONCAR, *et al.*,

Plaintiffs,

v.

WESTERN PEAK, LLC, a Colorado limited liability company, *et al.*,

Defendants.

ORDER

By order dated March 15, 2010 [Docket No. 142], the Court dismissed with prejudice the sole claim over which the Court had original jurisdiction and declined to exercise supplemental jurisdiction over plaintiffs' state law claims. For the same reasons, the Court declines to retain supplemental jurisdiction over the counterclaims brought by defendants David Fiore, JC Ventures, and Western Peak, LLC, all of which arise under state law. See 28 U.S.C. § 1367(c)(3). Furthermore, defendants were granted leave on March 9, 2010 to supplement their pleadings to add an additional state law claim [Docket No. 141]. There is no longer any need for defendants to do so.

For the foregoing reasons, it is

ORDERED that all counterclaims are dismissed without prejudice.

DATED March 22, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge