

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,
JOSEPH T. McCULLOUGH, and
JAMES OTIS, JR.,

Plaintiffs,

v.

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

Defendants.

ORDER

This matter is before the Court on motions to dismiss filed by defendants Western Peak, LLC and JC Ventures [Docket No. 13] and defendants Cynthia M. Peters and Prosperity Bookkeeping, Inc. [Docket No. 18]. Plaintiffs filed their First Amended Complaint [Docket No. 34] on September 20, 2008. The defendants named in the First Amended Complaint have since moved to dismiss that pleading. Thus, the motions to dismiss directed to the original pleading are moot. Therefore, it is

ORDERED that the defendants' motions to dismiss [Docket Nos. 13 and 18] are DENIED as moot.

DATED January 6, 2009.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge