

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 08-cv-01679-MSK-KMT

DONNA BYBEE,

Plaintiff,

v.

CHING TONG SHAN ENT, a foreign corporation,

Defendant,

and

GANDER MOUNTAIN COMPANY,

Cross-claimant,

v.

CHING TONG SHAN ENT, a foreign corporation,

Cross Defendant.

**ORDER VACATING TEXT ORDER,
DISMISSING ALL REMAINING CLAIMS
AND CLOSING CASE**

THIS MATTER comes before pursuant to the Court's December 16, 2010 Order to Show Cause (#90). In light of resolution of most claims in this action, it directed the parties to show cause why the remaining claims should not be dismissed for lack of prosecution. The Order specifically stated that failure to show cause within ten days would result in dismissal of the remaining claims.

The Order to Show Cause was electronically served on the attorneys of record for the parties asserting the claims. No timely response has been filed.

IT IS THEREFORE ORDERED that

- (1) The Court's text order (#91) is **VACATED**.
- (2) The only claims remaining in this suit, those asserted by Donna Bybee against Ching Tong Shan Ent and cross-claims by Gander Mountain Company against Ching Tong Shan Ent, are hereby **DISMISSED**.
- (3) The Clerk of Court is directed to close the case.

Dated this 4th day of January, 2011

BY THE COURT:



Marcia S. Krieger
United States District Judge