

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

Civil Action No. 08-cv-01961-RPM

FRANK C. EVANS, JR.,

Plaintiff,

v.

MERCER HEALTH AND BENEFITS LLC, a/k/a Mercer Companies,

Defendant.

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ORDER GRANTING MOTION TO FILE FIRST AMENDED COMPLAINT AND TO DISMISS  
DEFENDANT MERCER

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Upon consideration of Plaintiff Evans' Unopposed Motion to file First Amended  
Complaint and to Dismiss Defendant Mercer, it is

ORDERED that Defendant Mercer Health and Benefits LLC, a/k/a Mercer Companies, is  
dismissed with prejudice, each party to pay their own costs and attorney fees. It is

FURTHER ORDERED that the First Amended Complaint [#12-2] is accepted for filing.

Dated: September 21<sup>st</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge