

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

Civil Action No. 08-cv-02021-MSK-KLM

BAINS ULTRA INC.,

Plaintiff,

v.

EVEREST DEVELOPMENT COMPANY, LLC,

Defendant.

AMENDED ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER is before the Court on the Joint Motion for Dismissal Pursuant to Fed. R. Civ.P. 41 (a)(2) (#102) filed June 26, 2009. The Court having reviewed the foregoing:

ORDERS that the Joint Motion is **GRANTED**. All claims asserted in the above-captioned matter are dismissed with prejudice, each party to bear his, her or its own costs and attorneys' fees incurred in connection with this action. It is

FURTHER ORDERED that the Clerk shall reopen this case as the Court's previous Order at docket entry #104 was issued in error.

DATED this 26th day of June, 2009.

BY THE COURT:



Marcia S. Krieger

United States District Judge