

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 08–cv–02153–CMA-KMT

FRANK BAXTER GENERAL CONTRACTOR, INC.,

Plaintiff,

v.

SPRADDLE CREEK AUTOMOTIVE REAL ESTATE, LLC., a Colorado limited liability company;
BANKERS' BANK OF THE WEST;
COMERICA BANK;
DEAN R. HAAVE, an individual;
PHILIP J. KONSELLA, LLC;
EVERIST MATERIALS, LLC;
PHOENIX AUTOMATIC SPRINKLER, INC.; and
THE PUBLIC TRUSTEE OF SUMMIT COUNTY,

Defendants.

**ORDER GRANTING DISMISSAL OF CERTAIN DEFENDANTS
AND COUNTERCLAIMS WITH PREJUDICE**

This matter is before the Court upon Plaintiff's Stipulated Dismissal of Certain Defendants and Counterclaims with Prejudice (Doc. # 31) and the Court being fully advised in the premises, it is hereby

ORDERED that Defendants Dean R. Haave, Philip J. Konsella and Comerica Bank, and all claims asserted by Comerica Bank are DISMISSED WITH PREJUDICE, each party to pay his or its own costs and attorney fees.

The Court also notes that Plaintiff Frank Baxter has filed a Notice of Voluntary Dismissal of Parties (Doc. # 37). Upon review of that Notice, it is hereby

ORDERED that all claims by Plaintiff Frank Baxter against Defendants Bankers' Bank of the West, Everest Materials, LLC, Phoenix Automatic Sprinkler, Inc., and the Public Trustee of Summit County, Colorado are DISMISSED and these Defendants are hereby DISMISSED WITH PREJUDICE, each party to pay its own costs and attorney fees. It is

FURTHER ORDERED that the caption on all subsequent filings shall reflect the dismissal from this case of the above-referenced defendants and that Spraddle Creek Automotive Real Estate, LLC is the sole remaining defendant.

DATED: January 8, 2009

BY THE COURT:

s/ Christine M. Arguello

CHRISTINE M. ARGUELLO
United States District Judge