

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer**

Civil Case No. 08-cv-02356-PAB-BNB

THERESA ZORDEL, et al.,

Plaintiffs,

v.

AVALON CORRECTIONAL SERVICES, INC.

Defendant.

ORDER OF DISMISSAL OF PLAINTIFFS' FIFTH CLAIM WITH PREJUDICE

THIS MATTER comes before the Court upon the Stipulated Motion to Dismiss Plaintiffs' Breach of Contract Claim [Docket No. 46]. The Court has reviewed the pleading and is fully advised in the premises. It is

ORDERED that the Stipulated Motion to Dismiss Plaintiffs' Breach of Contract Claim [Docket No. 46] is granted. It is further

ORDERED that, pursuant to Fed. R. Civ. P. 41(a), Plaintiffs' fifth claim against defendant for breach of contract asserted in its Amended Complaint [Docket No. 38] is dismissed with prejudice, with each party to bear its own attorneys' fees and costs.

DATED May 18, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge