

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 08-cv-02388-WDM-MEH

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

DORSEY BUILDERS, LLC., et al.,

Defendants.

NOTICE OF DISMISSAL AS TO ONE CLAIM ONLY

The court takes judicial notice that the parties have filed a Stipulation for Dismissal Without Prejudice in accordance with Fed. R. Civ. P. 41(a)(2). Accordingly, the Count III of the complaint is dismissed without prejudice, each party to pay his or its own costs and attorneys' fees.

DATED at Denver, Colorado, on February 9, 2009.

BY THE COURT:

s/ Walker D. Miller
United States Senior District Judge