

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 08-cv-02418-REB-KMT

JAMES FLEMING, JR.,

Plaintiff,

v.

SEARS HOME IMPROVEMENT PRODUCTS, INC.,

Defendant.

ORDER OF DISMISSAL

Blackburn, J.

The matter before me is the **Stipulation For Dismissal With Prejudice** [#23] filed March 4, 2009. After careful review of the stipulation and the file, I conclude that the stipulation should be approved and that this action should be dismissed with prejudice.


THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulation For Dismissal With Prejudice** [#23] filed March 4, 2009, is **APPROVED**;
2. That the Trial Preparation Conference set for January 8, 2010, is **VACATED**;
3. That the jury trial set to commence January 25, 2010, is **VACATED**; and

4. That this action is **DISMISSED WITH PREJUDICE** with the parties to pay their own attorney fees and costs.

Dated March 4, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge