

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

Civil Action No. 09-cv-00153-WDM-KMT

MDM GROUP ASSOCIATES, INC.,

Plaintiff,

v.

S&S PENCE INVESTMENTS, LLC, d/b/a ReMax Sunset Realty,

Defendant.

NOTICE OF DISMISSAL

The court construes Plaintiff's Motion to Dismiss to be in accordance with Fed. R. Civ. P. 41(a)(2). Accordingly, this case is dismissed with prejudice, each party to pay his or its own costs and attorneys' fees.

DATED at Denver, Colorado, on November 4, 2009.

BY THE COURT:

s/ Walker D. Miller
United States District Judge