

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

Civil Action No. 09-cv-00289-REB-BNB

IRENE AYERS, individually,  
JULIE R. HARRIS, individually,  
CHRISTINA TALBOT, individually and  
IRENE AYERS, as personal representative of the ESTATE OF DONALD D. AYERS,  
deceased,

Plaintiffs,

v.

SSC THORNTON OPERATING COMPANY, LLC., d/b/a ALPINE LIVING CENTER,  
Defendant.

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**ORDER DISMISSING PLAINTIFFS' THIRD AND FIFTH CLAIMS FOR RELIEF  
AND DISMISSING PLAINTIFFS JULIE R. HARRIS, CHRISTINA TALBOT,  
AND THE ESTATE OF DONALD D. AYERS, DECEASED**

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**Blackburn, J.**

The matter before me is **Plaintiffs' Unopposed Motion To Dismiss With Prejudice The Plaintiffs' Third and Fifth Claims for Relief and To Dismiss With Prejudice Plaintiffs Julie R. Harris, Christina Talbot, and Estate of Donald D. Ayers, Deceased** [#52] filed March 12, 2010. After careful review of the motion and the file, I conclude that the motion should be granted; that plaintiffs' third and fifth claims for relief should be dismissed with prejudice; and that plaintiffs, Julie R. Harris, Christina Talbot, and the Estate of Donald D. Ayers, deceased, should be dismissed with prejudice.

**THEREFORE, IT IS ORDERED** as follows:

1. That **Plaintiffs' Unopposed Motion To Dismiss With Prejudice The**

**Plaintiffs' Third and Fifth Claims for Relief and To Dismiss With Prejudice**

**Plaintiffs Julie R. Harris, Christina Talbot, and Estate of Donald D. Ayers,**

**Deceased** [#52] filed March 12, 2010, is **GRANTED**;

2. That plaintiffs' third and fifth claims for relief (the CCPA claims and the Survival Action) are **DISMISSED WITH PREJUDICE** with the parties to pay their own attorney fees and costs;


3. That plaintiffs, Julie R. Harris, Christina Talbot, and the Estate of Donald D. Ayers, are **DISMISSED WITH PREJUDICE** with the parties to pay their own attorney fees and costs;

4. That plaintiffs, Julie R. Harris, Christina Talbot, and the Estate of Donald D. Ayers, are **DROPPED** as named parties to this litigation, and the case caption is amended accordingly; and

5. That the claims for wrongful death of plaintiff, Irene Ayers, **SHALL PROCEED** to trial.

Dated March 15, 2010, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge