

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

Civil Action No. 09-cv-00658-REB
(Consolidated with Civil Action Nos. 09-cv-00952-REB-CBS and 09-cv-01050-REB-CBS)

D. EDWARD WALTER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

LEVEL 3 COMMUNICATIONS, INC., et al.,

Defendants.

ORDER DISMISSING PLAINTIFF PETER FRAGALE, ONLY

Blackburn, J.

The matter before me is the plaintiff's **Rule 41 Stipulation of Dismissal** [#88] filed April 12, 2010. After careful review of the stipulation and the file, I conclude that the stipulation should be approved and that Peter Fragale, who is a plaintiff in Civil Action Nos. 09-cv-00658-REB-CBS, and 09-cv-01050-REB-CBS, should be dismissed without prejudice.


THEREFORE, IT IS ORDERED as follows:

1. That plaintiff's **Rule 41 Stipulation of Dismissal** [#88] filed April 12, 2010, is **APPROVED**; and

2. That Peter Fragale, who is a plaintiff in Civil Action Nos. 09-cv-00658-REB-CBS, and 09-cv-01050-REB-CBS, is **DISMISSED WITHOUT PREJUDICE** with the parties to pay their own attorney fees and costs.

Dated April 13, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge