

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Case No. 09-cv-01254-PAB-MEH

KAREN BARU,

Plaintiff,

v.

ARAPAHOE MEDICAL INVESTORS LLC and  
LIFE CARE CENTERS OF AMERICA INC.,

Defendants.

---

**ORDER DISMISSING COUNT THREE WITHOUT PREJUDICE**

---

THIS MATTER comes before the Court upon the Stipulated Motion to Dismiss Count III – Punitive Damages Without Prejudice [Docket No. 5]. The Court has reviewed the pleading and is fully advised in the premises. It is

**ORDERED** that the motion to dismiss [Docket No. 5] is granted. It is further

**ORDERED** that, pursuant to Fed. R. Civ. P. 41(a), count three of the Complaint [Docket No. 1], is dismissed without prejudice, with each party to bear its own attorneys' fees and costs.

DATED June 21, 2009.

BY THE COURT:

s/Philip A. Brimmer  
\_\_\_\_\_  
PHILIP A. BRIMMER  
United States District Judge