

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 09-cv-1918-WDM-KMT

DAVID A. ZELENOK and
KATHLEEN S. ZELENOK

Plaintiffs

v.

DENNY BENTON, individually, and
CITY OF SOUTH FORK, COLORADO, an incorporated municipality

Defendants.

ORDER ON AMENDED MOTION TO DISMISS

Miller, J.

This case comes before me on Plaintiffs' Amended Motion to Dismiss this action with prejudice. (Docket No. 46) pursuant to Fed. R. Civ. P. 42(a)(2). Having reviewed the Amended Motion and Responses, I note that all of Plaintiffs' claims have been settled. Neither of the defendants has raised counterclaims. Counsel for Defendant Benton observes that the motion is "not unopposed," yet offers no reason why the motion should be denied. Accordingly, I dismiss this case with prejudice as to Defendant City of South Fork and without prejudice as to Defendant Benton, all parties to pay their own costs and attorneys' fees.

DONE at Denver, Colorado, this 28th day of June, 2010.

BY THE COURT:



Walker D. Miller