

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

Civil Case No. 09-cv-01947-REB-MEH

KIMBERLY S. SMITH,

Plaintiff,

v.

JOHN E. POTTER, Postmaster General, United States Postal Service,  
JIM DAMM, United States Postal Service Injury Compensation Specialist, in his  
individual and official capacity,

Defendants.

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**ORDER OF DISMISSAL**

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**Blackburn, J.**

The matter before me is the **Stipulation of Dismissal** [#28] filed February 3, 2010. After careful review of the stipulation and the file, I conclude that the stipulation should be approved and that this action should be dismissed with prejudice.

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

1. That the **Stipulation of Dismissal** [#28] filed February 3, 2010, is

**APPROVED;**

2. That the defendants' **Motion to Dismiss** [#20] filed December 4, 2009, is

**DENIED AS MOOT;**

3. That the Trial Preparation Conference set for September 24, 2010, is

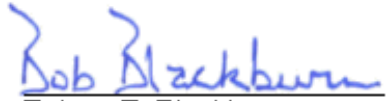
**VACATED;**

4. That the bench trial set to commence September 27, 2010, is **VACATED;** and

5. That this action is **DISMISSED WITH PREJUDICE** with the parties to pay their own attorney fees and costs.

Dated February 4, 2010, at Denver, Colorado.

BY THE COURT:

A handwritten signature in blue ink that reads "Bob Blackburn". The signature is written in a cursive style with a large initial "B".

Robert E. Blackburn  
United States District Judge