

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Case No. 09-cv-01988-PAB-KMT

RYAN ARCHER, et al.,

Plaintiffs,

v.

WALLACE DARLING, et al.,

Defendants.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on the parties' "Stipulated Motion to Dismiss Plaintiffs' Claims Against SunTrust Mortgage, Inc. With Prejudice [Docket No. 259]. The parties request the entry of a proposed order dismissing the claims against SunTrust Mortgage, Inc. with prejudice. The stipulated motion, however, complies with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which provides that the "plaintiff may dismiss an action *without a court order* by filing: . . . a stipulation of dismissal signed by all parties who have appeared." (emphasis added). Furthermore, "[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B) (emphasis added). Therefore, the claims against SunTrust Mortgage, Inc. were dismissed with prejudice as of the entry of the parties' stipulated motion for dismissal with prejudice. No Court order is necessary.

DATED September 21, 2010.