

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

Civil Case No. 09-cv-02000-PAB-MEH

ALLISON H. GERBER,

Plaintiff,

v.

DONALD B. WINGERTER, JR., an individual,
GREENHORN RANCH LLC, a Colorado limited liability company, and
BODYSELECT LLC, a Colorado limited liability company,

Defendants.

ORDER

This matter is before the Court on the stipulated motion for entry of judgment against plaintiff Alison H. Gerber [Docket No. 177], stipulated motion for entry of judgment and consent decree [Docket No. 178], and unopposed motion to seal [Docket No. 179]. The Court is fully apprised of the grounds for each motion. It is

ORDERED that the stipulated motions for entry of judgment [Docket Nos. 177, 178] are GRANTED. It is further

ORDERED that the unopposed motion to seal [Docket No. 179] is GRANTED in part and DENIED in part. It is further

ORDERED that plaintiff's claims for fraud and civil theft against defendants Donald B. Wingerter, Jr. and BodySelect LLC are DISMISSED with prejudice, each side to bear their own costs and attorney's fees. Plaintiff has waived her rights to appeal the dismissal of her fraud and civil theft claims. It is further

ORDERED that judgment shall enter against defendants Donald B. Wingerter, Jr., Greenhorn Ranch, LLC, and BodySelect, LLC, jointly and severally, on plaintiff's contract claims in the amount of \$2,150,000, each side to bear their own costs and attorney's fees. The parties waive their right to appeal this judgment. It is further

ORDERED that the Court will separately enter and file, under seal, the Consent Decree reached by the parties. It is further

ORDERED that the trial scheduled to commence on October 3, 2011 is VACATED.

DATED July 28, 2011.

BY THE COURT:

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