

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

Civil Case No. 09-cv-02648-REB-KLM

DAVID LESTER, PH.D.,

Plaintiff,

v.

GENE EXPRESS, INC.,  
ALFRED C. POLLOCK, III,  
NIKOLAOS V. LAZARIDIS, PH.D., and  
GERALD J. VARDZEL, JR.,

Defendants.

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**ORDER**

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**Blackburn, J.**

The matter before me is plaintiff's notice and request, in the form of a letter [#28] dated and filed February 9, 2010, to dismiss without prejudice certain claims within Count 1 of plaintiff's **First Amended Civil Action Complaint** [#9] filed December 14, 2009. After careful review of the request and the file, I conclude that the request should be granted.

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

1. That plaintiff's notice and request, in the form of a letter [#28] dated and filed February 9, 2010, to dismiss without prejudice certain claims within Count 1 of plaintiff's **First Amended Civil Action Complaint** [#9] filed December 14, 2009, is **GRANTED**;
2. That any and all claims against the individual defendants, Alfred C. Pollack, III, Nicholas V. Lazaridis, Ph.D., and Gerald J. Vardzel, Jr., with respect to Count 1 of the First Amended Complaint are **DISMISSED WITHOUT PREJUDICE**;

3. That any and all claims for severance pay, reimbursement of travel expenses and health care costs against all defendants with respect to Count 1 of the plaintiff's

First Amended Complaint, are **DISMISSED WITHOUT PREJUDICE**; and

4. That the remaining claims within Count 1 of plaintiff's First Amended Complaint **SHALL NOT BE AFFECTED** by this order.

Dated February 10, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn  
United States District Judge