

**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 the notice via letter [#32]<sup>1</sup> filed February 23, 2010, by the defendant, Gene Express, Inc., notifying the court of the agreement of the defendant to “. . . to withdraw the allegations in paragraphs 10-14 in its First Counterclaim for Relief (#13) filed January 20, 2010.” After careful review of the request and the file, I conclude that the announcement of this putative agreement should be treated as a formal request to dismiss without prejudice the allegations cited in the putative notice.

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

1. That the notice via letter<sup>2</sup> [#32] filed February 23, 2010, by the defendant, Gene Express, Inc., notifying the court of the agreement of the defendant to “. . . to

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<sup>1</sup> “[#32]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.


<sup>2</sup> All parties and their counsel are admonished to file papers that comply D.C.COLO.LCivR 10.1. The court will not accept a pleading, a motion, a notice, or any paper filed in the form of a letter.

withdraw the allegations in paragraphs 10-14 in its First Counterclaim for Relief (#13) filed January 20, 2010.” is **APPROVED**; and

2. That the allegations contained in paragraphs 10-14 in the First Counterclaim for Relief, as stated in the **Answer of Defendants And Counterclaim of Defendant Gene Express, Inc., with Jury Demand** [#13] filed January 20, 2010, are **DISMISSED WITHOUT PREJUDICE**.

Dated February 23, 2010, at Denver, Colorado.

BY THE COURT:

  
Robert E. Blackburn  
United States District Judge