

**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.

ORDER

Blackburn, J.

The matter before me is the notice via letter [#32]¹ 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 letter² [#32] filed February 23, 2010, by the defendant, Gene Express, Inc., notifying the court of the agreement of the defendant to “. . . to

¹ “[#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.

² 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