

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 09-cv-02889-WYD-KMT

ANDREW L. McCARGO,

Plaintiff,

v.

TEXAS ROADHOUSE, INC., a Delaware corporation,

Defendant.

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**ORDER OF DISMISSAL WITH PREJUDICE**

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THIS MATTER comes before the Court on the Stipulation of Dismissal With Prejudice (ECF No. 179), filed September 26, 2011. After carefully reviewing the above-captioned case, I find that the stipulation should be approved and that this case should be dismissed with prejudice pursuant to Fed. R. Civ. 41(a). Accordingly, it is

ORDERED that the Stipulation of Dismissal With Prejudice (ECF No. 179) is **APPROVED**. In accordance therewith, this matter is **DISMISSED WITH PREJUDICE**, each party to bear its own attorney fees and costs.

Dated: September 26, 2011

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Chief United States District Judge