

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

Civil Action No. 10-cv-00948-PAB-MJW

ROMA FRANZIA, M.D., individually, and
S.H., a minor, by and through her next friend and guardian,
Roma Franzia, M.D.,

Plaintiffs,

v.

ADAM SIRKUS,

Defendant.

ORDER ADMINISTRATIVELY CLOSING CASE

This matter is before the Court on the Notice of Settlement [Docket No. 51] filed by plaintiffs and the May 27, 2011 Minute Order [Docket No. 52] entered by Magistrate Judge Michael J. Watanabe.

In the Notice of Settlement, plaintiffs informed the Court that the parties had reached an agreement resolving all of the claims in this action. See Docket No. 51. In his Minute Order, Magistrate Judge Watanabe ordered that the parties file their stipulation of dismissal on or before June 23, 2011, or show cause why this case should not be dismissed. See Docket No. 52. On June 14, 2011, the parties filed a stipulated motion to dismiss with prejudice as to plaintiff Roma Franzia, M.D. only [Docket No. 53]. They did not, however, attempt to show cause why the entire case should not be dismissed. Instead, the parties noted that plaintiff "S.H.'s claim remains, pending approval of a petition to settle the minor's claim in state court." Docket No. 53 at 1.

Despite the failure to show cause by June 23, 2011, the Court will not dismiss the matter at this time, but instead will administratively close the case pursuant to D.C.COLO.LCivR 41.2.

In light of the foregoing, it is

ORDERED that the stipulated motion to dismiss with prejudice as to plaintiff Roma Franzia, M.D. only [Docket No. 53] is GRANTED. Plaintiff Roma Franzia, M.D.'s claims in this matter are dismissed with prejudice, each party to pay their own fees and costs. It is further

ORDERED that this matter is administratively closed. This matter will be dismissed without further notice to the parties on September 20, 2011 in the absence of a request to reopen the case or to extend the administrative closure upon a showing of good cause.

DATED August 19, 2011.

BY THE COURT:

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