

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: LaDonne Bush                      Date: June 13, 2012  
Court Reporter:        Paul Zuckerman

Civil Action No. 10-cv-02043-MSK-KMT

Parties:

Counsel:

EMPLOYERS MUTUAL CASUALTY  
COMPANY,

Natalie R. Sullivan

Plaintiff,

v.

DOWNEY EXCAVATION, INC.,  
ROD DOWNEY,  
MICHELLE DOWNEY,  
MARCUS L. DEAN,  
ROBERT M. ARAGON,  
LISA L. ARAGON,  
DENNIS J. CHILCOTE,  
TERRY L. CHILCOTE, and  
LEWIS HAYES BRISKEY,

Donald B. Massey

Defendants.

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**COURTROOM MINUTES**

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**Law and Motion Hearing**

**4:08 p.m.**      **Court in session.**

**ORDER:**      Plaintiff's Motion for Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(2) (Doc. 111) is granted and the dismissal is with prejudice.

**ORDER:**      Plaintiff's Motion for Summary Judgment (Doc. 96) is denied as moot.

**ORDER:** The cross-claims by Rod and Michelle Downey are dismissed. They are dismissed as to Robert M. Aragon without prejudice and as to all other defendants with prejudice.

**ORDER:** The Clerk is directed to close this case for administrative purposes.

**4:18 p.m.** Court in recess.

**Total Time: 00:10**  
**Hearing concluded.**