

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 10-cv-02481-WJM-MJW

TERRY D. HAMILTON, an individual; and
CHEM-AWAY, INC., a Colorado Corporation,

Plaintiffs,

v.

WALTER POENISCH, a/k/a James “Jim” Poenisch, an individual;
SUZANNE CONRY, an individual;
CHEYENNE, WY DEVELOPMENT CORPORATION, a Wyoming Corporation;
EUGENE H. BARKER, an individual;
BERNARD C. MAYNES, an individual;
B&B 2ND MORTGAGE, LLC, a Colorado Limited Liability Company;
B&B VENTURES, LLC, a Colorado Limited Liability Company;
HIGH POINTE, LLC, a Colorado Limited Liability Company;
THOMAS W. METCALF, an individual;
THOMAS W. METCALF, ATTORNEY AT LAW, a professional law firm;
GARY L. BUTLER, an individual; and
CENTENNIAL BANK OF THE WEST, a/k/a GUARANTY BANK AND TRUST
COMPANY, a Colorado Corporation,

Defendants.

ORDER TO DISMISS WITHOUT PREJUDICE

This matter is before the Court on the Plaintiffs’ Motion to Dismiss (ECF No. 68), filed April 1, 2011. Defendants do not oppose the motion. Accordingly, the Court hereby ORDERS as follows:

The above-captioned matter is DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a)(2). Each party shall pay his, her or its own attorney’s fees and costs.

Dated this 6th day of April, 2011.

BY THE COURT:



William J. Martínez
United States District Judge