

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-00165-REB-KMT

JOHN WOLFE, individually and on behalf of all others similarly situated,
MIKE MARNHOUT, individually and on behalf of all others similarly situated, and
SHAZI IQBAL, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ASPENBIO PHARMA, INC., a Colorado corporation,
RICHARD G. DONNELLY,
GREGORY PUSEY,
JEFFREY G. McGONEGAL,
MARK COLGIN, and
ROBERT CASPARI,

Defendants.

FINAL JUDGMENT

This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Granting Motion To Dismiss** [#51] entered by Judge Robert E. Blackburn on September 13, 2012, which order is incorporated herein by this reference.

THEREFORE, IT IS ORDERED as follows:

1. That **Defendants' Combined Motions and Brief To Dismiss Plaintiffs' Amended Class Action Complaint** [#39], filed October 7, 2011, is **GRANTED**;
2. That plaintiffs' claims against defendants are **DISMISSED WITHOUT PREJUDICE** for failure to state claims on which relief may be granted; and
3. That **JUDGMENT IS ENTERED** on behalf of defendants, AspenBio Pharma,

Inc., a Colorado corporation; Richard G. Donnelly; Gregory Pusey; Jeffrey G. McGonegal; Mark Colgin; and Robert Caspari, against plaintiffs, John Wolfe, individually and on behalf of all others similarly situated; Mike Marnhout, individually and on behalf of all others similarly situated; and Shazi Iqbal, individually and on behalf of all others similarly situated, as to all claims and causes of action asserted herein; provided, however, that the **JUDGMENT IS WITHOUT PREJUDICE**.

DATED at Denver, Colorado, this 14th day of September, 2012.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk