

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 11-cv-00555-REB-KLM

ELLIOT B. MAISEL,

Plaintiff,

v.

ERICKSON CONSTRUCTION, INC., a Colorado corporation,
RICKIE DEAN ERICKSON, individually,
CHARLES L. CUNNIFFE, individually, d/b/a Charles Cunniffe & Assoc, Architects,
ALPINE HEATING AND SHEET METAL, INC., a Colorado corporation,
COG PLUMBING & HEATING, INC., a Colorado corporation,
JOHN'S CONSTRUCTION,
PEAK SERVICE AND RENOVATION INC., d/b/a Peak Mechanical Services, Inc., a Colorado
corporation, and
THE LOG CONNECTION, INC., a Colorado corporation,

Defendants.

ERICKSON CONSTRUCTION, INC., a Colorado corporation,
RICKIE DEAN ERICKSON, individually,

Cross-Claimants/Third-Party Plaintiffs.

CHARLES L. CUNNIFFE, individually, d/b/a Charles Cunniffee & Assoc, Architects,
COG PLUMBING & HEATING, INC., a Colorado corporation,
PEAK SERVICE AND RENOVATION INC., d/b/a Peak Mechincal Services, Inc., a Colorado
corporation,
THE LOG CONNECTION, INC., a Colorado corporation,
DAVID JOHNS, individually, d/b/a Johns Construction,
CROSS SEVEN, INC., a Colorado corporation,
LOGARYTHMS, INC., a Colorado corporation,
STEAMBOAT LANDSCAPING, INC., d/b/a Mountain West Environments, Inc., a Colorado
corporation, and
TBW, INC., a Colorado corporation,

Cross-Claim Defendants/Third-Party Defendants.

**ORDER RE STIPULATED MOTION FOR DISMISSAL OF
CROSS-CLAIMANTS/THIRD-PARTY PLAINTIFFS' BREACH OF IMPLIED WARRANTY
CLAIM WITHOUT PREJUDICE**

Blackburn, J.

The matter before me is the **Stipulated Motion For Dismissal of Cross-**

Claimants/Third-Party Plaintiffs' Breach of Implied Warranty Claim Without Prejudice


[#115]¹ filed October 18, 2011. After reviewing the motion and the file, I conclude that the motion should be granted and that cross-claimants/third-party plaintiffs' claim for breach of implied warranty should be dismissed without prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulated Motion For Dismissal of Cross-Claimants/Third-Party Plaintiffs' Breach of Implied Warranty Claim Without Prejudice** [#115] filed October 18, 2011, is **GRANTED**; and
2. That cross-claimants/third-party plaintiffs, Erikson Construction, Inc., and Rickie Dean Erikson's claim for breach of implied warranty against cross-claim defendant, Cog Plumbing & Heating Inc. is **DISMISSED WITHOUT PREJUDICE**; and
3. That cross-claim defendant, Cog Plumbing & Heating, Inc., is **DROPPED** as a named cross-claim defendant in this action, and the case caption is amended accordingly.

Dated October 21, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

¹"[#115]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.