

**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,  
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.

CHARLES L. CUNNIFFE, individually, d/b/a Charles Cunniffie & Assoc, Architects,  
COG PLUMBING & HEATING , INC., a Colorado corporation,

Cross Defendants.

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**ORDER DISMISSING DEFENDANT/THIRD-PARTY  
DEFENDANT PEAK SERVICE AND RENOVATION, INC. d/b/a PEAK MECHANICAL  
SERVICES, INC. WITHOUT PREJUDICE**

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**Blackburn, J.**

The matter is before me on the **Joint Unopposed Motion To Dismiss**

**Defendant/Third-Party Defendant Peak Service and Renovation Inc. d/b/a Peak**

**Mechanical Services, Inc. Without Prejudice** [#149]<sup>1</sup> filed May 23, 2012. After

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<sup>1</sup> “[#149]” 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.

reviewing the motion and the file, I conclude that the motion should be granted.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Joint Unopposed Motion To Dismiss Defendant/Third-Party Defendant Peak Service and Renovation Inc. d/b/a Peak Mechanical Services, Inc. Without Prejudice** [#149] filed May 23, 2012, is **GRANTED**;

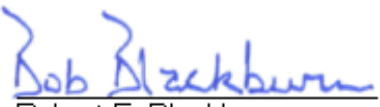
2. That the claims of the plaintiff against defendant/cross-claimant Peak Service and Renovation Inc., d/b/a Peak Mechanical Services, Inc. are **DISMISSED WITHOUT PREJUDICE** with each of the affected parties to pay its own attorney fees and costs;

3. That the claims of defendants/cross-claim plaintiffs Erickson Construction, Inc. and Rickie Dean Erickson against defendant/cross-claimant Peak Service and Renovation Inc., d/b/a Peak Mechanical Services, Inc. are **DISMISSED WITHOUT PREJUDICE** with each of the affected parties to pay its own attorney fees and costs;

3. That defendant/cross-claimant Peak Service and Renovation Inc., d/b/a Peak Mechanical Services, Inc. is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated May 24, 2012, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge