

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

Civil Action No. 11-cv-00745 WYD-KLM

UNITED STATES, FOR THE USE OF	)
PARKER SHEET METAL, INC., a Colorado	)
Corporation,	)
Plaintiff,	)
v.	)
	)
CONTRACTOR'S BONDING AND	)
INSURANCE COMPANY; JE HURLEY	)
CONSTRUCTION, INC.; HURST & BURR	)
MECHANICAL, INC.; JAMES MARTIN; and	)
DAVID DRAPER	)
Defendants.	)

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**ORDER OF DISMISSAL OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE**

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THIS MATTER comes before the Court on the parties' Stipulated Motion for Dismissal of Certain Claims and Defenses [ECF No. 48], filed May 8, 2012 and the parties' joint Motion for Order Confirming Settlement Agreement as a Court Order [ECF No. 49], filed May 8, 2012. After carefully reviewing the above-captioned case, I find that the parties' Motion for Dismissal should be granted and the counterclaims and affirmative defenses in this case should be dismissed with prejudice pursuant to Fed. R. Civ. 41(a). Accordingly, it is

ORDERED that the parties' Stipulated Motion for Dismissal of Certain Claims and Defenses [ECF No. 48], filed May 8, 2012, is **GRANTED**. In accordance therewith, all Counterclaims that JE Hurley Construction, Inc. (JEH) filed against Parker Sheet Metal, Inc. (Parker) in this matter and all affirmative defenses asserted by JEH and Contractor's Bonding Insurance Company in response to Parker's claims are

**DISMISSED WITH PREJUDICE**, each party to bear its own attorney fees and costs. It is

FURTHER ORDERED that the parties' joint Motion for Order Confirming Settlement Agreement as a Court Order [ECF No. 49], filed May 8, 2012 is **GRANTED**.

It is

FURTHER ORDERED that the parties shall file a status report indicating which issues are remaining for this court to resolve on or before May 25, 2012.

Dated: May 15, 2012.

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE