

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

Civil Action No. 11-cv-01174-REB

CALVIN T. SWITZER,

Plaintiff,

v.

LITEX INDUSTRIES, LTD, a Texas corporation,
LOWE'S COMPANIES, INC., a North Carolina corporation, and
COSTCO WHOLESALE CORPORATION, a Washington, corporation,

Defendants.

ORDER DISMISSING DEFENDANT, LOWE'S COMPANIES, INC., ONLY

Blackburn, J.

The matter is before the court on plaintiff's **Notice of Stipulated Dismissal of Defendant Lowe's Companies, LLC** [*sic*]¹ **Without Prejudice Pursuant To Fed. R. Civ. P. 41(a)(1)(A)(ii)** [#42]² filed November 3, 2011. After reviewing the notice and the file, I conclude that the notice should be approved and that plaintiff's claims against defendant, Lowe's Companies, Inc., should be dismissed without prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Notice of Stipulated Dismissal of Defendant Lowe's Companies,**

¹ The defendant is named in the caption of the case as "Lowe's Companies, Inc., A North Carolina corporation." However, in the title of the notice, the defendant is identified erroneously as "Lowe's Companies, LLC." Finally, in the body of the notice, the defendant is identified properly as "Lowe's Companies, Inc."

²"[#42]" 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.

LLC [sic] Without Prejudice Pursuant To Fed. R. Civ. P. 41(a)(1)(A)(ii) [#42] filed November 3, 2011, is **APPROVED**;

2. That plaintiff's claims against defendant, Lowe's Companies, Inc., are **DISMISSED WITHOUT PREJUDICE**; and

3. That defendant Lowe's Companies, Inc., is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated November 3, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge