

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01687-PAB-DW

VIESTI ASSOCIATES, INC.,

Plaintiff,

v.

PEARSON EDUCATION, INC.,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on the Stipulation of Dismissal [Docket No. 233] filed jointly by plaintiff Viesti Associates, Inc. and defendant Pearson Education, Inc. The stipulation states that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the dismissal of this action with prejudice with each party to bear its own costs and attorneys' fees. With respect to dismissal of this action and the taxing of costs, this case has already been dismissed pursuant to the Final Judgment [Docket No. 203] entered on March 21, 2014. The parties have not moved to amend the Final Judgment. Thus, the parties' stipulation is of no effect on the issues of dismissal and costs. However, pursuant to the stipulation, defendant's motion for attorneys' fees [Docket No. 211] is now moot. It is therefore

**ORDERED** that Defendant's Motion for Attorneys' Fees, Expert Fees and Expenses [Docket No. 211] is **DENIED** as moot.

DATED August 6, 2013.