

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-02238-PAB-KLM

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS,

Plaintiff,

v.

LELAND ASAY,  
SAMUEL VIDAL GOMEZ,  
JERRY LEE RHEA,  
DENNIS GLENN COEN,  
HEATH ALLEN RUSSO,  
LOUIE GEORGE SCHIMPF,  
QUALITY PAVING CO., a Colorado corporation, and  
QUALITY RESURFACING CO., n/k/a QUALITY PAVING CO., a Colorado corporation,

Defendants.

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**ORDER**

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This matter is before the Court on the Stipulated Voluntary Dismissal Without Prejudice of Complaint Against Defendant Quality Resurfacing Co., n/k/a Quality Paving Co. (the "Stipulation") [Docket No. 45] filed by plaintiff and defendant Quality Paving Co. Despite requesting a court order pursuant to Fed. R. Civ. P. 41(a)(2), the parties have failed to file a motion requesting such relief.<sup>1</sup> The Court will nevertheless address the parties' request and, having reviewed the Stipulation, it is

**ORDERED** that plaintiff's claims against defendant Quality Resurfacing Co. are

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<sup>1</sup>The Court has once before granted a request for relief in this case that was not properly presented as a motion. See Docket No. 41. The parties are reminded that a "request for a court order must be made by motion." Fed. R. Civ. P. 7(b)(1).

dismissed without prejudice.

DATED November 9, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge