

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,

Defendants.

ORDER

This matter is before Court on the Motion for Stipulated Voluntary Dismissal Without Prejudice of Complaint Against Defendant Heath Allen Russo [Docket No. 59]. Plaintiff has agreed to the dismissal of its claims against Russo without prejudice. In exchange, Russo has agreed to (1) voluntarily appear at depositions, hearings, and trials in this case; (2) accept service by mail or electronic transmission of notices or subpoenas issued by plaintiff for testimony at depositions, hearings, or trials; (3) waive the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules with respect to such notices and subpoenas, provided plaintiff reimburses Russo for travel and lodging at a reasonable rate; and (4) consent to personal jurisdiction in any United States District Court for purposes of

enforcing any such subpoena. Wherefore, it is

ORDERED that plaintiff's claims against defendant Heath Allen Russo are dismissed without prejudice.

DATED December 12, 2011.

BY THE COURT:

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