

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 12-cv-00090-RPM

DAVID W. REA, JR.,

Plaintiff,

v.

RE/MAX, L.L.C.;  
DAVID LINIGER;  
MARGARET KELLY;  
JOHN DUPONT, and  
MIKE REAGAN,

Defendants.

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ORDER ON DEFENDANTS' MOTION TO DISMISS

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Upon consideration of the complaint, the defendants' motion to dismiss and plaintiff's opposition, it is

ORDERED that for the failure to state claims for relief and pursuant to Fed.R.Civ.P. 12(b)(6), the third and fourth claims for relief are dismissed and because the plaintiff has clarified that the first and second claims for relief are not alleged against the individual defendants, they are dismissed from this civil action. It is

FURTHER ORDERED that the defendants' motion to dismiss is denied in all other respects as to the first and second claims for relief, the scope of which will be considered at the scheduling conference.

DATED: March 8<sup>th</sup>, 2012

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge