

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

Civil Case No. 12-cv-00453-REB-KMT

COUNTRY MUTUAL INSURANCE COMPANY, an Illinois corporation,

Plaintiff,

v.

ROCKY MOUNTAIN CONSTRUCTION COMPANY, LLC, a Colorado limited liability company,

ANTHONY K. FLORES,

FORTINO FLORES,

DAVID STILES, and

BRENDA STILES, citizens of the State of Colorado,

Defendants/Counter-Claimants/Third-Party Plaintiffs,

v.

JOSHUA HARTMAN, and

BRANDON AVERY,

Third-Party Defendants.

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**ORDER OF DISMISSAL AS TO  
THIRD-PARTY DEFENDANT, BRANDON AVERY, ONLY**

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**Blackburn, J.**

The matter is before me on the **Stipulation For Dismissal of Third Party Defendant Brandon Avery Without Prejudice** [#119]<sup>1</sup> filed August 2, 2013. After reviewing the stipulation and the record, I conclude that the stipulation should be approved and that the claims of the defendants/counter-claimants/third-party plaintiffs against third-party defendant, Brandon Avery, should be dismissed without prejudice.

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<sup>1</sup> “[#119]” 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.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Stipulation For Dismissal of Third Party Defendant Brandon Avery Without Prejudice** [#119] filed August 2, 2013, is **APPROVED**;
2. That the claims of the defendants/counter-claimants/third-party plaintiffs against third-party defendant, Brandon Avery, are **DISMISSED WITHOUT PREJUDICE** with each of the affected parties to pay its own attorney fees and costs; and
3. That third-party defendant, Brandon Avery, is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated August 2, 2013, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge