

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-00167-CMA-KMT

MARK D. BINGHAM,
TONY W. CHURCH,
ANNETTE M. MONTOYA,
RICK L. PARKS,
AMBER D. SHETTRON,
STEWART G. SQUIRES, and
CHARLES L. ZORIO,

Plaintiffs,

v.

FIML NATURAL RESOURCES, LLC,
AMENDED AND RESTATED FIML NATURAL RESOURCES PHANTOM CARRIED
INTEREST PLAN,
BOARD OF DIRECTORS OF FIML NATURAL RESOURCES, LLC,

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order Granting Defendants' Motion to Dismiss Third Amended Complaint Pursuant to Fed. R. Civ. P. 12 of Judge Christine M. Arguello entered on February 13, 2014 it is

ORDERED that Defendants' Motion to Dismiss Third Amended Complaint Pursuant To Fed. R. Civ. P. 12(b)(6) (Doc. # 46) is GRANTED. It is

FURTHER ORDERED that the sole claim in the complaint is DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that this case is DISMISSED in its entirety.

Dated at Denver, Colorado this 14th day of February, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ Sandra Hartmann

Sandra Hartmann
Deputy Clerk