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

Civil Action No. 13-cv-00365-REB-CBS

DOUGLAS E. MILLER, and FRANCES ELLEN MILLER, a/k/a F. ELLEN MILLER,

Plaintiffs,

v.

TIMOTHY M. BUCHHEIT REVOCABLE TRUST, JON F. BUCHHEIT REVOCABLE TRUST, JEFFREY J. BUCHHEIT REVOCABLE TRUST, DOUGLAS P. BUCHHEIT REVOCABLE TRUST, NICHOLAS J. BUCHHEIT REVOCABLE TRUST, AMY BUCHHEIT MCCABE REVOCABLE TRUST, KRISTI A. HAHS REVOCABLE TRUST, KATE ANN LOUISE BUCHHEIT REVOCABLE TRUST, RONALD C. UNTERREINER, HERBERT GRAETZ, ROBERT E. MOSER, JOE BULLOCK, JEFFREY UNTERREINER, CPA, and BEGLEY YOUNG UNTERREINER & WHITE LLC,

Defendants.

ORDER OF DISMISSAL AS TO THE BUCHHEIT DEFENDANTS

Blackburn, J.

The matter is before me on the Notice of Voluntary Dismissal Without

Prejudice [#38]¹ filed April 18, 2013. After reviewing the notice and the record, I

conclude that the notice should be approved and that plaintiffs' claims against

defendants, Timothy M. Buchheit Revocable Trust; Jon F. Buchheit Revocable Trust;

¹ "[#38]" 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.

Jeffery J. Buchheit Revocable Trust; Douglas P. Buchheit Revocable Trust; Nicholas J. Buchheit Revocable Trust; Amy Buchheit McCabe Revocable Trust; Kristi A. Has Revocable Trust; and Kate Ann Louise Buchheit Revocable Trust (the "Buchheit Defendants"), should be dismissed without prejudice.

THEREFORE, IT IS ORDERED as follows:

That the Notice of Voluntary Dismissal Without Prejudice [#38] filed April
18, 2013, is APPROVED;

2. That plaintiffs' claims against the Buchheit Defendants are **DISMISSED WITHOUT PREJUDICE**; and

3. That the Buchheit Defendants, Timothy M. Buchheit Revocable Trust; Jon F. Buchheit Revocable Trust; Jeffery J. Buchheit Revocable Trust; Douglas P. Buchheit Revocable Trust; Nicholas J. Buchheit Revocable Trust; Amy Buchheit McCabe Revocable Trust; Kristi A. Has Revocable Trust; and Kate Ann Louise Buchheit Revocable Trust, are **DROPPED** as named parties to this action, and the case caption is amended accordingly.

Dated April 18, 2013, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn United States District Judge