

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No: 13-cv-00399-WYD-KLM

BITCO GENERAL INSURANCE CORPORATION,

Plaintiff,

v.

FRONT RANGE EXCAVATING, INC., TRI-STAR CONSTRUCTION WEST, LLC and  
GOLD PEAK AT PALOMINO PARK, LLC,

Defendants.

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**ORDER OF DISMISSAL WITHOUT PREJUDICE**

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THIS MATTER comes before the Court on the parties' Stipulation of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) (ECF No. 75). After carefully reviewing the file in this matter, I find that the stipulation should be approved pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and the case should be dismissed without prejudice.

Accordingly, it is

ORDERED that the Stipulation of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) (ECF No. 75) is **APPROVED**. This case is **DISMISSED WITHOUT PREJUDICE**, with each party to pay its own costs. Accordingly, the final trial preparation conference set for August 13, 2015 and the bench trial set for August 25, 2015 are hereby **VACATED**.

Dated: July 13, 2015

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
UNITED STATES SENIOR DISTRICT JUDGE