

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

Civil Action No. 13-cv-00695-REB-MJW

BALL METAL BEVERAGE CONTAINER CORP, a Colorado Corporation,

Plaintiff,

v.

CML&J, LLC, a Connecticut limited liability company,

Defendant.

FINAL JUDGMENT

This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Re: Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P 12(b)(2) and 12(b)(3) [#23]** entered by Judge Robert E. Blackburn on June 27, 2013, which order is incorporated herein by this reference.

THEREFORE, IT IS ORDERED as follows:

1. That **Defendant CML&J's Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3) [#13]** filed April 18, 2013, is **GRANTED IN PART** and **DENIED AS MOOT IN PART** as follows:

- a. That the motion to dismiss for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) is **GRANTED**; and
- b. That the motion to dismiss for improper venue pursuant to Fed. R. Civ. P. 12(b)(3) is **DENIED AS MOOT**;

2. That plaintiff's claims against defendant are **DISMISSED WITHOUT PREJUDICE**; and

3. That judgment without prejudice **IS ENTERED** in favor of defendant, CML&J, LLC, a Connecticut limited liability company, against plaintiff, Ball Metal Beverage Container Corp., a Colorado corporation, on all claims for relief and causes of action asserted in this action.

DATED at Denver, Colorado, this 28th day of June, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk