

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

Civil Action No. 13-cv-02411-REB-CBS

KIRBY MARTENSEN,

Plaintiff,

v.

WILLIAM KOCH,  
OXBOW CARBON, LLC,  
OXBOW CARBON & MINERALS, LLC,  
OXBOW CARBON & MINERALS,  
INTERNATIONAL GmbH,  
MICHAEL MCAULIFFE,  
RICHARD CALLAHAN, and  
DOES 1-25,

Defendants.

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**ORDER OF DISMISSAL AS TO DEFENDANTS,  
MICHAEL MCAULIFFE AND RICHARD CALLAHAN, ONLY**

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**Blackburn, J.**

The matter is before me on the plaintiff's **Notice of Dismissal Without Prejudice** [#91]<sup>1</sup> filed February 26, 2014. After reviewing the notice and the record, I conclude that the notice should be approved and that plaintiff's claims against defendants, Michael McAuliffe and Richard Callahan, should be dismissed without prejudice.

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<sup>1</sup> "[#91]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

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

1. That plaintiff's **Notice of Dismissal Without Prejudice** [#91] filed February 26, 2014, is **APPROVED**;

2. That plaintiff's claims against defendants, Michael McAuliffe and Richard Callahan, are **DISMISSED WITHOUT PREJUDICE**; and

3. That defendants, Michael McAuliffe and Richard Callahan, are **DROPPED** as named parties to this litigation, and the case caption is amended accordingly.

Dated February 26, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge