

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-02469-RM-MJW

RANDALL J. HATLEE and
RONALD L. SWIFT,

Plaintiffs,

v.

CINDY HARDEY,
BOBBI PRIESTLY,
MONTE GORE,
FRED WEGENER, and
ASHLEIGH OLDS,

Defendants.

ORDER

This matter is before the Court *sua sponte* in connection with the Plaintiffs' filing of the Stipulation of Dismissal of All Claims against the Park County Defendants (ECF No. 141, the "Stipulation of Dismissal"). The Stipulation of Dismissal purports to stipulate to the dismissal, with prejudice, of all remaining claims in this action against Defendants Cindy Hardey, Bobbi Priestly, Monte Gore, and Fred Wegener in their individual and official capacities. (*Id.*) The Court also notes that its previous Order of September 29, 2015 dismissed all claims then pending against Defendant Ashely Olds. (ECF No. 110.)

The Stipulation of Dismissal does not suffice to operate, in and of itself, as a dismissal of all claims in this matter. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii) (permitting voluntary dismissal without a court order by the filing of a stipulation of dismissal only if signed by *all parties* who

have appeared). However, in light of the parties' agreement as evidenced by that document, the Court will treat the Stipulation of Dismissal as an unopposed motion to dismiss, which the Court hereby GRANTS.

Based on the foregoing, the Court ORDERS:

1. The claims and causes of action asserted by Plaintiffs against Defendants Cindy Hardey, Bobbi Priestly, Monte Gore, and Fred Wegener in their individual and official capacities are in all respects DISMISSED with prejudice. Each party shall pay their own costs and fees with respect to these Defendants and the claims asserted against these Defendants.

2. Defendants' Motion for a One-Day Extension of Time to File a Motion in Limine (ECF No. 125) is DISMISSED as moot.

3. Defendants' Motion to Strike Plaintiffs' Expert Witness Dr. Jena Questen Pursuant to Fed. R. Civ. P. 26(a)(2)(B) And to Preclude Expert Testimony Pursuant to Fed. R. Evid. 702 (ECF No. 137) is DISMISSED as moot.

4. The Clerk of the Court is directed to enter JUDGMENT in favor of Defendant Ashley Olds and against Plaintiffs pursuant to the Court's Order of September 29, 2015. (*See* ECF No. 110.)

DATED this 11th day of February, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', is written over a horizontal line.

RAYMOND P. MOORE
United States District Judge