

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02680-RPM

SHANE WHITTLE, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF
MARLEY COFFEE LLC,

Plaintiffs,

v.

ROHAN MARLEY,
CEDELLA MARLEY,
JAMMIN' JAVA CORPORATION,
HOPE ROAD MERCHANDISING, LLC,
FIFTY-SIX HOPE ROAD MUSIC LIMITED,
MARLEY COFFEE ESTATE LIMITED,

Defendants.

ORDER ON MOTION TO DISMISS COUNTERCLAIMS

On October 22, 2015, the defendant Rohan Marley filed counterclaims against the plaintiff asserting five claims for relief. [Doc. 81]. The plaintiff filed a motion to dismiss those counterclaims on November 30, 2015, [Doc. 86], and the motion has been briefed. The fifth claim for relief seeking a declaratory judgment does not state a separate claim and the issues to be addressed are the same as those to be adjudicated pursuant to the other pleadings in this civil action. The remaining counterclaims are sufficient to state claims for relief. Accordingly, it is

ORDERED that the plaintiff's motion to dismiss is denied with the exception of the fifth claim for declaratory relief which is dismissed.

Dated this 21st day of January, 2016.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge