

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

Civil Action No.: 15-CV-00397-REB-CBS

MILNER DISTRIBUTION ALLIANCE, INC., a Colorado corporation.

Plaintiff,

v.

MILNER SPORTS, LLC d/b/a EPOCH EYEWEAR, a Colorado limited liability company,
365 SHADES, LLC, a Colorado limited liability company,
BRET MILNER, an individual,
REBECCA MILNER, an individual,
RANDALL SMITH, an individual,
DANIEL LYSYJ, an individual,
DEREK SMITH, an individual, and
STEVE HARMAN, an individual.

Defendants.

ORDER OF DISMISSAL

Blackburn, J.

The matter is before me on the **Stipulation of Dismissal With Prejudice** [#45],¹ filed December 21, 2015. After reviewing the stipulation and the record, I conclude that the stipulation should be approved and that this action should be dismissed with prejudice, with the parties to pay their own attorney fees and costs.

THEREFORE, IT IS ORDERED as follows:

1. That the **Stipulation of Dismissal With Prejudice** [#45], filed December 21, 2015, is approved;

¹ “[#45]” 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.

2. That the Final Pretrial Conference and Trial Preparation Conference, set March 11, 2016, at 2:00 p.m., and the trial, set to commence on March 28, 2016, are vacated;

3. That any pending motion, including but not limited to **Defendants' Motion for Summary Judgment** [#38], filed October 20, 2015, is denied as moot; and

4. That this action is dismissed with prejudice with the parties to pay their own attorney fees and costs.

Dated December 23, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge