

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00886-MEH

MALIBU MEDIA, LLC,

Plaintiff/Counter-Defendant,

v.

JEFF FANTALIS,

Defendant/Counter-Claimant,

BRUCE DUNN,

Defendant.

ORDER OF DISMISSAL

Michael E. Hegarty, United States Magistrate Judge.

The Stipulation for Dismissal of Plaintiff's Claims Against Defendant Jeff Fantalis with Prejudice [filed November 21, 2012; docket #117] is **granted**. Considering this stipulation and the notice by Defendant Fantalis of dismissal of his counterclaims, the Court orders that Plaintiff's claims and Defendant Fantalis' counterclaims are dismissed with prejudice. The Clerk of the Court is directed to remove Defendant Jeff Fantalis as a Defendant from the caption.

In accordance with this order, Plaintiff's Motion to Dismiss the Second Amended Counterclaim [filed November 2, 2012; docket #96], Plaintiff's Motion to Strike Affirmative Defenses in Second Amended Answer [filed November 5, 2012; docket #103] and Defendant Fantalis' Motion for Leave to File Surreply [filed November 13, 2012; docket #112] are **denied as moot**.

The action will proceed against Defendant Bruce Dunn. Due to Mr. Dunn's failure to appear in this case and his consequent inability to consent to this Court's jurisdiction, the Clerk of the Court

is directed to reassign the case to Judge Krieger.

Dated at Denver, Colorado, this 28th day of November, 2012.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial 'M' and 'H'.

Michael E. Hegarty
United States Magistrate Judge