

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Lewis T. Babcock, Chief Judge

Civil Action No. 05-cv-01880-LTB-MJW

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff,

And

SUZANNE L. DIESING
and SARAH SHORT,

Plaintiff-Intervenors,

v.

MINI MART, INC.,
d/b/a LOAF 'N JUG,

Defendant.

ORDER OF DISMISSAL AND DIRECTING ENTRY OF PARTIAL JUDGMENT

Babcock, C.J.

This Matter comes before the Court on the parties' Joint Stipulated Motion for Dismissal with Prejudice of the Claims of Plaintiff-Intervenors and For Entry of Judgment Pursuant to Fed.R.Civ.P. 54(b)("Joint Motion"). According to the Joint Motion, the parties stipulate, pursuant to Fed.R.Civ.P. 41 (a)(1)(2), that the claims of the Plaintiff-Intervenors be dismissed with prejudice, with each party to bear her or its own costs and attorneys fees, and move, pursuant to Fed.R.Civ.P. 54(b), for judgment to enter on those claims in favor of Defendant. The

Joint Motion states that the case has settled, but the claims by Plaintiff EEOC are being resolved pursuant to a Consent Decree that will not result in a final dismissal for several years, and there is no just reason to delay entry of judgment with respect to the claims of Plaintiff-Intervenors, which are being settled through monetary payments.

Being fully advised in the premises, the Court GRANTS the Joint Motion. It is hereby ORDERED the claims of the Plaintiff-Intervenors are dismissed with prejudice, with each party to bear her or its own costs and attorneys fees. The Court finds there being no just reason to delay entry of judgment with respect to those claims, it is ORDERED judgment shall enter on those claims in favor of Defendant, pursuant to Fed.R.Civ.P. 54(b).

Dated this 24th day of May, 2006 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Chief Judge