

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 08-cv-02517-RPM-MEH

MURRY L. SALBY,

Plaintiff,

vs.

PROVOST PHILLIP DISTEFANO,

Defendant.

UNOPPOSED MOTION TO DISMISS

Plaintiff, Murry L. Salby, by and through his attorney, Robert M. Liechty of CROSS & LIECHTY, P.C., moves pursuant to Rule 41(a)(2) to dismiss this action without prejudice and, as grounds therefore, states as follows:

1. This Court has dismissed former defendant University of Colorado on jurisdictional grounds. Plaintiff Salby wishes to renew his state tort claims against the University in state court and desires to combine those claims with his present claims against Mr. Distefano. Therefore, he wishes to dismiss the claims against Mr. Distefano in federal court to refile them in state court.

2. Counsel for Mr. Distefano has no objection to the relief requested in this motion.

WHEREFORE, plaintiff Murray Salby respectfully requests that this Court dismiss without prejudice the claims against Mr. Distefano.

Respectfully submitted this March 9, 2009.

By: s/ Robert M. Liechty
Robert M. Liechty
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CERTIFICATE OF SERVICE

I hereby certify that on this March 9, 2009, a true and correct copy of the above and foregoing **UNOPPOSED MOTION TO DISMISS** was, unless otherwise indicated, filed electronically with the Court who provides notice to the following:

Thomas S. Rice, Esq.
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s/ Linda L. DeVico