

<b>DISTRICT COURT, LA PLATA COUNTY</b> Address: 1060 E. 2 <sup>nd</sup> Avenue, Durango, CO 81301 Telephone: (970) 247-2304	<b><u>▲ COURT USE ONLY ▲</u></b>
<b>PLAINTIFF: SAN JUAN BASIN PUBLIC HEALTH</b>  v.  <b>Defendant: CJ'S DINER, INC., a Colorado Corporation</b>	
Submitting Attorneys: Michael A. Goldman, #17443 Goldman, Nicholson & Mack, P.C. 679 E. 2 <sup>nd</sup> Avenue, Suite C P.O. Box 2270 Durango, CO 81302 Phone: (970) 259-8747 Fax: (970) 259-8790 E-mail: goldman@gnm-law.com	Case Number: 20CV30162  Div: 2      Ctrm:
<b>NOTICE OF DISMISSAL WITHOUT PREJUDICE</b>	

**COMES NOW**, Plaintiff San Juan Basin Public Health (“SJBPH”), by and through counsel Goldman, Nicholson & Mack P.C. by Michael A. Goldman and hereby provides this Notice of Dismissal in accordance with C.R.C.P. 41(a)(1)(A).

1. This action was initiated on December 3, 2020 for Injunctive Relief, and although a Motion to Dismiss is presently pending, no answer or motion for summary judgment has been filed or served by Defendant. The claims raised in Plaintiff’s Complaint are now rendered moot because the public health order that was the basis for this case is no longer in effect and there are no longer COVID-19 capacity restrictions on indoor dining. Accordingly, with all costs having

been paid to the Court, dismissal of this action, without prejudice, is appropriate under C.R.C.P. 41(a)(1)(A).

**RESPECTFULLY SUBMITTED** this 26<sup>th</sup> day of April, 2021.

/s/ Michael A. Goldman  
Michael A. Goldman, #17443  
Goldman, Nicholson & Mack, P.C.  
679 E. 2<sup>nd</sup> Avenue, Suite C  
P.O. Box 2270  
Durango, CO 81302  
Phone: (970) 259-8747  
Fax: (970) 259-8790  
E-mail: goldman@gnm-law.com  
*Attorney for Plaintiff SJBPH*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of April, 2021, the foregoing **NOTICE OF DISMISSAL WITHOUT PREJUDICE** was filed and served via Colorado Courts E-Filing upon the following:

Law Offices of Randy B. Corporon, P.C.  
Randy B. Corporon, #29861  
2821 S. Parker Rd., Suite 555  
Aurora, Colorado 80014

Law Offices of Marian A. Tone, LLC  
Marian A. Tone, #35515  
PO Box 33  
Bayfield, CO 81122  
*Attorneys for Defendant CJ's Diner, Inc.*

***Courtesy Copy:***

Eric Kuhn  
Colorado Attorney General's Office  
1300 Broadway, 6th Floor  
Denver, CO 80203

*/s/ Mckenzie Perdue*

Mckenzie Perdue