

UNITED STATES COURT OF APPEALS

February 16, 2011

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of CourtJAMES RIVER INSURANCE
COMPANY, an Ohio corporation,Plaintiff - Appellant/
Cross-Appellee,

v.

RAPID FUNDING, LLC, a Colorado
limited liability company,Defendant - Appellee/
Cross-Appellant.Nos. 10-1145 and 10-1160
(D.C. No. 1:07-CV-01146-CMA-BNB)

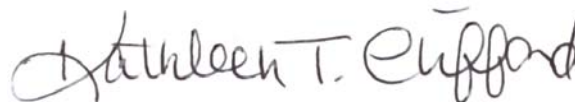
ORDER

This appeal is before the court based on Defendant Rapid Funding, LLC's "unopposed motion to dismiss cross-appeal." The court construes Defendant's motion as one under Fed. R. App. P. 42(b) to voluntarily dismiss its cross-appeal, No. 10-1160.

Upon consideration, the motion to voluntarily dismiss cross-appeal No. 10-1160 is **GRANTED**. Cross-appeal No. 10-1160 is **DISMISSED**. The mandate shall issue forthwith.

The entry of this order does not affect Appeal No. 10-1145.

Entered for the Court,
Elisabeth A. Shumaker, Clerk



Kathleen T. Clifford
Attorney - Deputy Clerk