



Entered on Docket
January 30, 2009

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

| | | | |
|----|------------------------------------|---|-----------------------|
| 10 | In re: |) | BK-S-08-10474-MKN |
| 11 | XYIENCE INCORPORATED, a Nevada |) | Chapter 11 |
| 12 | corporation, |) | |
| | Debtor. |) | |
| 13 | _____ |) | |
| 14 | XYIENCE INCORPORATED, a Nevada |) | Adversary No. 08-1082 |
| 15 | corporation, |) | Date: January 7, 2009 |
| 16 | Plaintiff, |) | Time: 9:30 a.m. |
| 17 | v. |) | |
| 18 | RICHARD BERGERON, an individual, |) | |
| 19 | Defendant. |) | |
| 20 | _____ |) | |
| 21 | RICHARD BERGERON, an individual, |) | |
| 22 | Counterclaimant, |) | |
| 23 | v. |) | |
| 24 | XYIENCE INCORPORATED, a Nevada |) | |
| | corporation; FERTITTA ENTERPRISES, |) | |
| | INC., a Nevada corporation, |) | |
| | Counterdefendants. |) | |
| | _____ |) | |

**ORDER ON MOTION OF COUNTERDEFENDANT
FERTITTA ENTERPRISES, INC. TO DISMISS AMENDED COUNTERCLAIM OF
DEFENDANT/COUNTERCLAIMANT RICHARD BERGERON**

The court having entered its Memorandum Decision on Motion of Counterdefendant

1 Fertitta Enterprises, Inc.'s to Dismiss Amended Counterclaim of Defendant/Counterclaimant
2 Richard Bergeron (Docket No. 111) concurrently herewith,

3 **IT IS HEREBY ORDERED** that the Amended Counterclaim (Docket No. 106) of
4 Defendant and Counterclaimant Richard Bergeron be, and the same hereby is, **DISMISSED**
5 **WITH PREJUDICE** as to Counterdefendant Fertitta Enterprises, Inc.

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7 Copies noticed through ECF to:

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