

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

STATE FARM FIRE & CASUALTY )  
COMPANY, as Subrogee of Marc and )  
Lisa Bain, )

Plaintiff, )

v. )

10-3171

FISHER & PAYKEL APPLIANCES, )  
INC., )

Defendant. )

---

FISHER & PAYKEL APPLIANCES, )  
INC., )

Third Party Plaintiff, )

v. )

EMERSON ELECTRIC CO., d/b/a )  
White Rodgers, )

Third Party Defendant. )

**OPINION**

The parties have signed and submitted Stipulations of Dismissal (d/e 30-1 and 31-1). In the Stipulations, the parties agree to the dismissal of Plaintiff's claims against Defendant with prejudice and without costs to either party. The parties also agree to the dismissal of

the Third Party Plaintiff's claims against the Third Party Defendant, with prejudice and without costs to either party.

Therefore, Plaintiff's claims against Defendant are DISMISSED WITH PREJUDICE and the Third Party Plaintiff's claims against the Third Party Defendant are DISMISSED WITH PREJUDICE. Each party shall bear its own costs and attorney's fees. The pending Motions to Dismiss (d/e 27 and 28) are DENIED AS MOOT.

SO ORDERED. CASE CLOSED.

ENTER: August 8, 2011.

FOR THE COURT:

s/Sue E. Myerscough  
SUE E. MYERSCOUGH  
UNITED STATES DISTRICT JUDGE