IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MICHAEL A. MARSHALL,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, Individually and as Successor-in Interest to the Burlington Northern and Santa Fe Railway Company, Atchison Topeka and Santa Fe Railway Company, Chicago, Burlington and Quincy Railroad Company, Burlington Northern Inc., and Burlington Northern Railroad Co;

CASE NO. 8:12CV206

ORDER AND FINAL JUDGMENT

Defendant.

This matter is before the Court on the parties' Joint Stipulation for Dismissal without prejudice. (Filing No. 13.) The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court concludes that it should be approved. The Court will not assess costs or attorney's fees. Accordingly,

IT IS ORDERED:

1. The parties' Joint Stipulation for Dismissal without prejudice (Filing No. 13)

is approved;

- 2. This action is dismissed without prejudice; and
- 3. The Court will not assess costs or attorney's fees.

Dated this 28th day of September, 2012.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge