Federated Mutual Insurance Company v. Eternal Services, Inc. et al Doc. 51

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FEDERATED MUTUAL INSURANCE COMPANY, a Corporation,	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION CASE NUMBER: 2:10-cv-00064-MHT (WO)
ETERNAL SERVICES, INC., a Corporation; FOREST HILLS MEMORIAL PARK, L.L.C., a Limited Liability Company; ROBERT LONSDALE, an Individual, SUSAN BROADWAY, Individually and as the Administratrix of the Estate of Joshuah Broadway; SHIRLEY BROADWAY, an individual; GREG BROADWAY, an individual; JACKIE HEBERT, an individual; and JOHN DUNCAN, an individual,	)	
Defendants.	)	

PRO TANTO ORDER OF DISMISSAL

This matter is before the Court on the Joint Stipulation of Pro Tanto Dismissal (doc. no. 48) filed by the plaintiff and the defendants, pursuant to Rule 41 of the Federal Rules of Civil Procedure. Having considered the Joint Stipulation of Pro Tanto Dismissal, the Court hereby orders that said action against defendants Greg Broadway, Shirley Broadway, and Susan Broadway, individually and as Administratrix of the Estate of Joshua Broadway is

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dismissed with prejudice, with costs taxed as paid. Further, the Court agrees and ORDERS that all claims asserted by plaintiff and against defendants Eternal Services, Inc., Forrest Hills, LLC, Jackie Hebert and John Duncan, specifically relating and arising out of the claims and/or causes of action asserted in the *Broadway* state court action only, are dismissed with prejudice, costs taxed as paid. However, this Order of Dismissal inures only to the benefit of those parties and claims specifically dismissed and plaintiff reserves all rights and actions against Robert Lonsdale, Eternal Services, Inc., Forest Hills, LLC, Jackie Hebert, and John Duncan. In other words, only defendants Greg Broadway, Shirley Broadway, and Susan Broadway are dismissed completely and terminated as to this litigation.

Dated this the 9th day of August, 2010.

/s/ Myron H. Thompson
Myron H. Thompson
United States District Judge