

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**CLARICE MALLORY, individually and on)
behalf of all similarly situated individuals,)**

Plaintiff,)

vs.)

CIVIL ACTION NO 07-0680-KD-C

GMS FUNDING LLC, et. al.,)

Defendants.)

ORDER

The court has been notified that the parties have settled this action but an additional sixty (60) days are needed to consummate the settlement agreement. Accordingly, it is **ORDERED** that this action be **DISMISSED with prejudice** from the active docket of this court subject to the right of any party to reinstate the action within sixty (60) days of the date of this order should the settlement agreement not be consummated.

No other order shall be forthcoming from the court except upon application by either party for final judgment as prescribed by Rule 58, Federal Rules of Civil Procedure.

Each party shall bear their own costs unless otherwise agreed by the parties.

DONE and **ORDERED** this the 5th of March, 2009.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE