

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

|                                       |   |                                      |
|---------------------------------------|---|--------------------------------------|
| ALAN MANCUSO,                         | ) |                                      |
|                                       | ) |                                      |
| <b>Plaintiff,</b>                     | ) |                                      |
|                                       | ) |                                      |
| <b>v.</b>                             | ) | <b>CIVIL ACTION NO. 08-0582-KD-M</b> |
|                                       | ) |                                      |
| <b>EDGEWATER YACHT SALES, L.L.C.,</b> | ) |                                      |
|                                       | ) |                                      |
| <b>Defendant.</b>                     | ) |                                      |

**ORDER**

The parties have informed the Court that this case has settled but additional time is necessary to complete a marine survey and sea trial of a new vessel, transport and document the vessel, and exchange all necessary settlement documents. Therefore, upon consideration and pursuant to the provisions of Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is **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, expenses, and attorney fees unless agreed otherwise by the parties.

**DONE and ORDERED** this the 20th day of October, 2009.

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