

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

<b>KENNY HARDEN, as Personal</b>	)	
<b>Representative of the Estate of</b>	)	
<b>Javier Toto, deceased,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 09-00841-KD-B</b>
	)	
<b>KENNETH ARLIN PEEK, JR. et al.,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the Court on the parties' notification that this case has settled. Accordingly, it is **ORDERED** that the above-styled case is hereby **DISMISSED with prejudice** from the active docket of this Court subject to the right of any party to reinstate the action within **thirty (30) 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 his or its own costs, fees and expenses.

**DONE and ORDERED** this the **4<sup>th</sup>** day of **March 2011**.

/s/ Kristi K. DuBose

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**KRISTI K. DUBOSE**

**UNITED STATES DISTRICT JUDGE**