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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Lowe's HIW, Inc.,)

No. CV-09-2481-PHX-SMM

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Plaintiff,)

11

vs.)

FINAL ORDER

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Thomas James Civil Design Group)

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Inc., et al.,)

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Defendants.)

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And Related Counterclaims,)

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And Related Cross-Claims.)

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Pursuant to a settlement agreement, pending before the Court is Plaintiff Lowe's HIW, Inc. ("Lowe's") and Defendants Ames Construction, Inc. ("Ames"), EMJ Corporation ("EMJ"), and Mortimer, Inc.'s ("Mortimer") stipulation to dismiss with prejudice the claims, counterclaims and cross-claims asserted by and against these parties. (Doc. 915.) Also pending is Defendant Mortimer's Notice of Withdrawal of its Motion for Spoliation Sanction. (Doc. 914.) The parties have advised the Court that these stipulations for dismissal are the final ones to be submitted for approval and that the case is now ready to be terminated.

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Accordingly,

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IT IS HEREBY ORDERED granting the parties' stipulations. (Doc. 915.)

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IT IS FURTHER ORDERED dismissing with prejudice Lowe's claims against

1 Defendants Ames, EMJ and Mortimer, with each of these parties to bear its own respective
2 costs and attorney's fees.

3 **IT IS FURTHER ORDERED** dismissing with prejudice EMJ's counterclaim against
4 Lowe's, with each of these parties to bear its own respective costs and attorney's fees

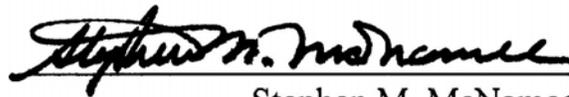
5 **IT IS FURTHER ORDERED** dismissing with prejudice any remaining cross-claims
6 by or against Ames, EMJ and Mortimer with each of these parties to bear its own respective
7 costs and attorney's fees.

8 **IT IS FURTHER ORDERED** granting Defendant Mortimer's Notice of Withdrawal
9 of its Motion for Spoliation Sanction. (Doc. 914.) Moritmer's motion for spoliation sanction
10 is hereby withdrawn and denied as moot. (Doc. 899.)

11 **IT IS FURTHER ORDERED** denying as moot Lowe's motion to confirm
12 assignment and trial in the Phoenix division. (Doc. 866.)

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this action.

14 DATED this 26th day of August, 2013.

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17 Stephen M. McNamee
18 Senior United States District Judge
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