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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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EL PASO NATURAL GAS COMPANY,))
a Delaware Corporation,)

No. CV 05-4068-PCT-SMM

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ORDER

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Plaintiff,

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v.

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SOUTHWEST FOREST PRODUCTS,))
INC., an Arizona corporation;))
13 SOUTHWEST FOREST PRODUCTS))
TRANSPORTATION INC., an Arizona))
14 corporation; STEPHEN R. VAN DER))
TOORN, LU ANNE J. VAN DER))
15 TOORN; THE VAN DER TOORN))
FAMILY TRUST,))

16

Defendants.

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Before the Court is the parties' Joint Motion to Dismiss with Prejudice (Doc. 56).

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Having considered the Motion and good cause appearing,

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IT IS HEREBY ORDERED GRANTING the Joint Motion to Dismiss with
21 Prejudice (Doc. 56).

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IT IS FURTHER ORDERED dismissing this case, including all counterclaims
23 therein with prejudice, each party to bear their own attorneys' fees and costs.

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IT IS FURTHER ORDERED VACATING the status hearing set for Wednesday,
25 February 11, 2009 at 4:00 p.m.

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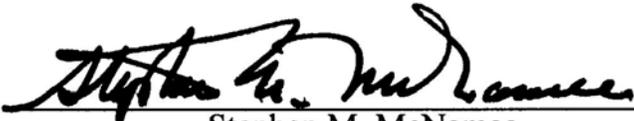
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IT IS FURTHER ORDERED that the Clerk of Court shall terminate this action.

DATED this 9th day of February, 2009.



Stephen M. McNamee
United States District Judge