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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Marion E. Johnston,

10 Plaintiff,

11 v.

12 ADP TotalSource Incorporated Health and
13 Welfare Plan, et al.,

14 Defendants.

No. CV-12-08168-PCT-JAT

ORDER

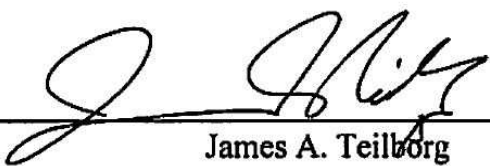
15 The parties having settled and filed a stipulation to dismiss (Doc. 32),

16 **IT IS ORDERED** dismissing this matter with prejudice. Each side shall bear its
17 own attorneys' fees and costs.

18 **IT IS FURTHER ORDERED** denying the parties' cross-motions for summary
19 judgment (Docs. 18 and 19) as moot.

20 **IT IS FURTHER ORDERED** vacating the oral argument scheduled for January
21 23, 2014 as moot.

22 Dated this 22nd day of January, 2014.
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26 _____
27 James A. Teilborg
28 Senior United States District Judge