

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MARK AND KARLA GIBBS

PLAINTIFFS

VS.

4:10-CV-0293 JMM

**PRIMELENDING, A PLAINS CAPITAL COMPANY;
STEWART TITLE GUARANTY COMPANY; STEWART
TITLE COMPANY; ELENDER SERVICES, LLC;
ELENDER ESCROW, INC.; NETCO, INC.;
SHELLY A. HICKSON; LAWYERS TITLE OF
NEVADA, INC.; AMY CHRISTINE TUECKES;
CORINTHIAN TITLE COMPANY, INC.;
COMMONWEALTH LAND TITLE COMPANY;
MARK RUSSELL; RUSSELL BISZANTZ;
JEFFREY H. BROWN; NETCO TITLE, INC.;
STEPHANIE R. DRYE; U.S. BANK NATIONAL
ASSOCIATION ND; AND, BRYAN KELLY**

DEFENDANTS

U.S. BANK NATIONAL ASSOCIATION, N.D.

**DEFENDANT AND
CROSS-CLAIMANT**

VS.

4:10-CV-0293 JMM

**STEWART TITLE GUARANTY COMPANY;
NETCO, INC., NETCO TITLE, INC.
AND PRIMELENDING, A PLAINS
CAPITAL COMPANY**

CROSS DEFENDANTS

CONSOLIDATED WITH:

U.S. BANK NATIONAL ASSOCIATION, N.D.

PLAINTIFF

VS.

4:11-CV-00123 JMM

**ELENDER ESCROW, INC.; ELENDER SERVICES, LLC;
RUSSELL BISZANTZ; PRIMELENDING, A PLAINS
CAPITAL COMPANY; JEFFREY H. BROWN;
NETCO, INC.; NETCO TITLE, INC.
STEWART TITLE GUARANTY COMPANY;
SHELLEY A. HICKSON; LAWYERS TITLE OF
NEVADA, INC.; AMY CHRISTINE TUECKES;
COMMONWEALTH LAND TITLE COMPANY;
CORINTHIAN TITLE COMPANY, INC.;
BRYAN KELLY; COMMERCE WEST BANK
NATIONAL ASSOCIATION; JUDY POLLOCK;
MARK RUSSELL; AND, DANA WOMBLES**

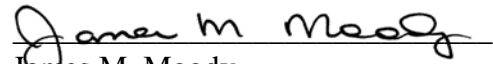
DEFENDANTS

ORDER OF PARTIAL DISMISSAL

IT IS ORDERED THAT, in accord with the terms of settlement which are a part of the record and the parties' separate written settlement agreement, all claims of Plaintiffs, Cross-Claimants, and Counter-Claimants against all parties in both cases shall be dismissed with prejudice, **except** the claims against Elender Escrow, Inc., Elender Services, LLC, Russell Biszantz, and Mark Russell.

The clerk of the court is directed to pay the amount previously deposited into the registry (\$650,000) together with interest accrued less the applicable registry fees, by appropriate instrument made payable to “U.S. Bank National Association, N.D.” and to release the instrument to its counsel of record.

IT IS SO ORDERED THIS 17th day of April, 2013.


James M. Moody
United States District Judge