

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

DANIEL JAMES MERCER

Plaintiff,

VS.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY AND
DOMTAR INDUSTRIES, INC.

Defendant.

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NO. 08-4062
JURY TRIAL DEMANDED

AMENDED FINAL JUDGMENT

ON July 10, 2009, The Court Entered Its JUDGEMENT reflecting that all claims had been settled, with the Court retaining jurisdiction to vacate the judgment and to reopen the action upon cause shown that the settlement has not been completed and further litigation is necessary.

ON THIS DAY, came on to be considered the above-entitled and numbered cause; and, the parties announced to the Court that all matters in dispute have been compromised and settled and all consideration has been paid; and, the parties requested the Court to dismiss this cause with prejudice to refiling same; and, it appears to the Court that an Amended Final Judgment should be entered;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause and all claims and cross-claims, if any, brought, as well as those claims which could have been brought, by each party against the other parties shall be dismissed with prejudice;

IT IS FURTHER ORDERED that each party shall bear the respective costs and attorney fees incurred by that party, and no costs or attorney's fees shall be assessed against the other party; and, all relief not expressly herein granted is denied. This Amended Final Judgment is now final and appealable.

SIGNED this 9 day of Sept., 2009.

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

SEP 09 2009

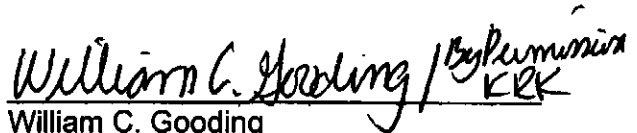
CHRIS R. JOHNSON, Clerk
By  Deputy Clerk


UNITED STATES DISTRICT JUDGE

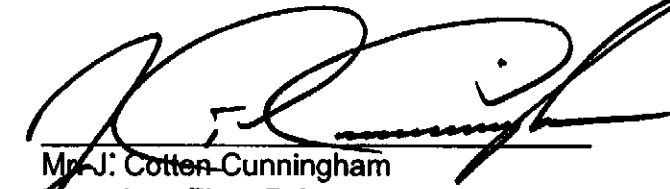
Approved:



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