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Based upon the Parties' representations that a settlement has been reached as to each of their respective claims, and the Stipulation to Dismissal filed therewith,

IT IS HEREBY ORDERED that the entire action, including all counterclaims and cross-claims, is hereby dismissed with prejudice. Each party shall bear their own attorneys' fees and costs associated with this action.

IT IS SO ORDERED.

Dated: JANUARY 4, 2010

Hon. Andrew J. Guilford United States District Judge