DENNIS M. COTA, Bar No. 127992 DEREK P. COLE, Bar No. 204250 COTA COLE LLP 2261 Lava Ridge Court Roseville, CA 95661 Telephone: (916) 780-9009

Telephone: (916) 780-9009 Facsimile: (916) 780-9050

Attorneys for Defendant/Counter-Claimant/Cross-Claimant, Ben J. Newitt

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES H. LEWIS and JANE W. LEWIS,

Plaintiffs,

v.

ROBERT D. RUSSELL; BEN J. NEWITT; the Estate of PHILLIP NEWITT, Deceased, et al.,

Defendants.

AND RELATED COUNTER-, CROSS- AND THIRD-PARTY ACTIONS.

Case No. CIV S-03-2646 WBS KJM

ORDER

IT IS HEREBY ORDERED, as follows:

1. As a result of this Court's February 29, 2012, Order approving the settlement agreement between Plaintiff Charles H. Lewis and Ben J. Newitt, Mr. Newitt is dismissed with prejudice from all claims in the action entitled Lewis et al. v. Russell et al. in the United States District Court for the Eastern District of California Case No. CIV S-03-2646 WBS KJM.

Dated: March 13, 2012

WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

{JEM/00019443.} - 1 - [PROPOSED] ORDER