STIPULATION FOR DISMISSAL OF COUNTERCLAIM WITH PREJUDICE; ORDER

Animal Blood Bank, Inc. et al v. Hale

Doc. 70

Case No. 2:10-cv-02080-KJM-KJN

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## **STIPULATION**

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On October 8, 2010, Defendant/Counter Claimant Anne S. Hale ("Hale") filed a 1. Counterclaim in this action. See Document 8 on file with the Court.

2. On July 29, 2011, Hale filed a bankruptcy case under Chapter of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Michigan, bearing case number 11-33589. See Document 44 on file with the Court.

3. Michael A. Mason was appointed the Chapter 7 bankruptcy Trustee of the bankruptcy estate of Hale ("Trustee").

4. The claims of Hale set forth in the Counterclaim are property of her bankruptcy estate pursuant to 11 U.S.C. section 541 and are under the control of the Trustee.

5. Pursuant to Fed. R. Civ. P. 41(a)(1), Counter Defendants, Animal Blood Bank, Inc., Michael W. Kaufman, and Patricia M. Kaufman (collectively, "ABB"), and Michael A. Mason, as Trustee have, and hereby, stipulate only to the dismissal of the entire Counterclaim, and any and all claims alleged in it, with prejudice and with ABB and Trustee bearing their own attorney's fees and costs with respect to the Counterclaim.

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1	6. The action against An	ne S. Hale, filed August 4, 2010 (see Document 1) shall
2	remain active.	
3	Dated: June 25, 2012	GREENBERG TRAURIG, LLP
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5		By: <u>/s/ Marc Koenigsberg</u> Kurt A. Kappes
6		Marc B. Koenigsberg Attorneys for Plaintiffs and Counter
7		Defendants, Animal Blood Bank, Inc., Michael W.
8		Kaufman, and Patricia M. Kaufman
9	Dated: June 25, 2012	BEADLE SMITH, PLC
10		Den /-/ Warrin Carial
11		By: <u>/s/ Kevin Smith</u> Kevin M. Smith (as authorized on 6/25/12) Attorneys for Trustee
12		Michael A. Mason
13	ORDER	
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- 1		
15	IT IS HEREBY ORDERED th	hat the Counterclaim only in this action is hereby
15 16		hat the Counterclaim only in this action is hereby  BB and Trustee bearing their own attorney's fees and costs
16 17 18	dismissed with prejudice and with AE	
16 17	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20 21	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20 21 22	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20 21 22 23	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20 21 22 23 24	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs
16 17 18 19 20 21 22 23 24 25	dismissed with prejudice and with AE with respect to the Counterclaim.	BB and Trustee bearing their own attorney's fees and costs