

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CITY OF WINTER HAVEN,
a Florida municipal corporation,

Plaintiff,

vs.

Case No. 08:09CV-00190-T-17EAJ

CLEVELAND INDIANS BASEBALL
COMPANY, LP, an Ohio limited partnership,

Defendant.

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STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff, City of Winter Haven and Defendant, Cleveland Indians Baseball Company, by and through their undersigned attorneys of record, hereby stipulate and agree pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) that this case be, and hereby is, dismissed in its entirety with prejudice with each party to bear its own fees and costs.

Date: September 29, 2009

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 29, 2009, I electronically filed the foregoing Stipulation of Dismissal With Prejudice with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record: Frederick J. Murphy, Jr., Boswell & Dunlap, LLP, P. O. Drawer 30, Bartow, FL 33831 and Warren Andrew Crawford, Esq. Boswell & Dunlap, LLP, P. O. Drawer 30, Bartow, FL 33831.

/s/ J. Davis Connor
J. Davis Connor, Esq.