

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60956-CIV-ZLOCH

KEVIN MCCORMICK, JR.,

Plaintiff,

vs.

FINAL ORDER OF DISMISSAL

BEHNKE AND ASSOCIATES, INC.,
and FRED BEHNKE,

Defendants.

_____/

THIS MATTER is before the Court upon the Joint Motion To Vacate (DE 33) filed herein by all Parties and the Stipulation of Dismissal With Prejudice (DE 32) filed herein by all Parties. The Court has carefully reviewed said Motion, Stipulation and the entire court file and is otherwise fully advised in the premises.

By the instant Joint Motion To Vacate (DE 33), both Plaintiff and Defendants indicate that they are in agreement in asking the Court to set aside the Default Final Judgment (DE 10) previously entered herein. They jointly stipulate that the case is to be dismissed with prejudice.

The Court has scrutinized the terms of the Parties settlement as recounted in the Joint Statement Regarding This Case's Settlement (DE 37) for fairness, and finds that they are in accord with the requirements set out in Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982).

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. The Joint Motion To Vacate (DE 33) filed herein by all

Parties be and the same is hereby **GRANTED**;

2. The Default Final Judgment (DE 10) previously entered herein be and the same is hereby **VACATED**, set aside and of no further force or effect;

3. The Court's prior Order (DE 26) awarding attorney's fees be and the same is hereby **VACATED**, set aside and of no further force or effect;

4. The Stipulation of Dismissal With Prejudice (DE 32) filed herein by all Parties be and the same is hereby approved, adopted and ratified by the Court;

5. The above-styled cause be and the same is hereby **DISMISSED** with prejudice; and

6. To the extent not otherwise disposed of herein, all pending motions are **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this 8th day of December, 2008.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel of Record