

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MARK S. SMITH, JR.,**

**Plaintiff,**

**-vs-**

**WACKER NUESON CORPORATION, et al,**

**Defendants.**

**NO. 09-CV-1064-DRH**

**O R D E R**

**HERNDON, Chief Judge**

Having been advised by counsel for the parties that the above action has been settled but that additional time is needed to consummate settlement, the Court **DIRECTS** the Clerk of the Court to enter judgment of dismissal with prejudice and without costs 60 days from the date of this Order. Should the parties fail to consummate settlement within 60 days, they may petition the Court to delay entry of judgment until a later date. In light of the settlement, the Court **DENIES** all motions pending in this case **as moot** and **VACATES** all court dates in this case.

**IT IS SO ORDERED.**

**DATED:** August 13, 2012

Digitally signed by  
David R. Herndon  
Date: 2012.08.13  
12:11:45 -05'00'

CHIEF JUDGE  
U.S. DISTRICT COURT