



its motion has not been completed by plaintiffs' counsel because the parties agreed to settle the case.

For the above and foregoing reasons, defendant's Third Motion for Summary Judgment should be denied.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of April, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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