

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FARMERS INSURANCE EXCHANGE,

Civil No. 09-0329 (JRT/RLE)

Plaintiff,

v.

ORDER FOR DISMISSAL

TOMLINSON & SONS,
INCORPORATED AND ROBERT GIBB
& SONS, INC.,

Defendants.

Edward Ordonez and John Flaherty, **COZEN O'CONNOR**, 222 South Riverside Plaza, Suite 1500, Chicago, IL 60606; Thomas Gilligan, Jr., **MURNANE BRANDT, PA**, 30 East Seventh Street, Suite 3200, St. Paul, MN 55101, for plaintiff.

Randall Bakke, **SMITH BAKKE PORSBORG & SCHWEIGERT**, Post Office Box 460, Bismark, ND 58502, for Defendant Tomlinson & Sons, Incorporated.

Corey Quinton, Paul Opegard, and Troy Wolf, **OPPEGARD, WOLF & QUINTON**, Post Office Box 657, Moorhead, MN 56561, for Defendant, Robert Gibb & Sons, Inc.

This matter is before the Court upon the stipulation of dismissal with prejudice filed by Plaintiff Farmers Insurance Exchange and Defendant Tomlinson & Sons, Incorporated on February 23, 2010 [Docket No. 39].

IT IS HEREBY ORDERED THAT:

1. Plaintiff's claims against defendant Tomlinson & Sons, Incorporated are hereby dismissed in their entirety, with prejudice and without costs to any party.

2. This Order is not a dismissal of plaintiff's claims against defendant Robert Gibb & Sons, Inc.

3. Judgment may be entered accordingly.

DATED: February 25, 2010
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge