

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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L.P.O.E., Inc. and DiMa Corporation,

Plaintiffs,

Civ. No. 10-4133 (RHK/LIB)

**ORDER**

v.

City of Duluth, Minnesota,

Defendant.

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Based on the Stipulation of Dismissal by the parties (Doc. No. 26), and after review of the files, records and proceedings in the above-captioned matter, **IT IS ORDERED** that (1) this action is **DISMISSED WITHOUT PREJUDICE** as moot; and (2) no award of costs, disbursements or fees is awarded, including the \$450 sanctions awarded to the City of Duluth by Magistrate Judge Leo I. Brisbois in his Report and Recommendation dated May 26, 2011.<sup>1</sup>

Dated: June 14, 2010

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge

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<sup>1</sup> Although it approves the parties' Stipulation on this point, the Court in no way condones the behavior of Plaintiffs' counsel Randall D.B. Tighe that led to the award of sanctions, as detailed in Judge Brisbois's Report and Recommendation (Doc. No. 24). The Court finds Mr. Tighe's conduct troubling and trusts such behavior will not recur.