

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CEDRIC EVANS, Administrator of the
Estate of Anthony Evans, deceased¹

PLAINTIFF

V.

NO. 3:08-cv-463-DPJ-JCS

ILLINOIS CENTRAL RAILROAD
COMPANY, CN, and John Does, unknown
employees, agents or third parties

DEFENDANTS

AGREED ORDER OF FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE
--

THIS CAUSE came on for hearing on the joint motion *ore tenus* of the Plaintiff Cedric Evans, Administrator of the Estate of Anthony Evans, deceased and Defendant Illinois Central Railroad Company for an order of final judgment and dismissal with prejudice, and this Court having considered said motion and being advised that the parties have settled and consent to the entry of this order is of the opinion that Plaintiff's action against Illinois Central Railroad Company should be and hereby is dismissed with prejudice with each party to pay their own costs, expenses and attorneys fees. The Court further finds that there is no just reason for delay and expressly directs that this Agreed Order of Final Judgment and Dismissal with Prejudice be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint and Amended Complaints and all claims asserted or that could have been asserted against Illinois Central Railroad Company are hereby dismissed with prejudice with each party to pay their own costs, expenses and attorneys fees. There being no just reason for delay, the Court expressly

¹On or about April 1, 2009, the Court entered a Text-only Order substituting Cedric Evans (Administrator of the Estate of Anthony Evans, deceased) as plaintiff following the death of Anthony Evans and upon Plaintiff's Motion for Substitution as Party. [Dkt. # 55].

directs that this Agreed Order of Final Judgment and Dismissal with Prejudice be entered.

SO ORDERED this the 13TH day of October, 2009.

/s/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE

AGREED:

/s/ Jonathan P. Barrett
Pat M. Barrett, Jr. (MSB # 2067)
Jonathan P. Barrett (MSB # 102426)
Barrett Law Office
PO Box 987
Lexington, MS 39095-0987
F: (662) 834-2409
pambarrettjr@barrettlawoffice.com
jpbarrett@barrettlawoffice.com

Isaac K. Byrd, Jr.
BYRD & ASSOCIATES
PO Box 19
Jackson, MS 39205-0019
F: (601) 354-1254
Attorneys for Plaintiff

/s/ Jeremy L. Birdsall
George H. Ritter, Esq. (MSB # 5372)
Jeremy L. Birdsall, Esq. (MSB # 100284)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, MS 39205-0651
Jlb@wisecarter.com
Ghr@wisecarter.com
T: (601) 968-5500
F: (601) 968-5519
Attorneys for Defendant