

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

HUGH A. HAWKINS,

Plaintiff,

v.

**KEITH FEILMEIER and GABRIEL
TECHNOLOGIES CORPORATION,**

Defendants.

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CASE NO. 8:07CV368

ORDER

This matter is before the Court on Clifford T. Lee and Rasmussen & Mitchell’s motion to withdraw as counsel for Defendant Gabriel Technologies Corporation (“Gabriel”) (Filing No. 124) and the joint motions of Plaintiff Hugh A. Hawkins & Gabriel to approve settlement and to voluntarily dismiss Gabriel (Filing Nos. 125, 126).

Filing No. 125 is an incomplete settlement document as it is unsigned by Gabriel’s counsel. The stipulation in Filing No. 126 mirrors the language in Filing No. 125, includes all necessary signatures, and therefore complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Therefore the second joint stipulation for dismissal (Filing No. 126) is approved, and the unsigned stipulation (Filing No. 125) is denied as moot.

Filing No. 124 states that Lee and his firm request leave to withdraw because Gabriel has retained Larry Welch, Jr., also counsel for Hawkins, as substitute counsel. Because Gabriel was represented by Lee during the settlement and the settlement is approved, the motion to withdraw is denied as moot.

IT IS ORDERED:

1. The joint motion of Plaintiff Hugh A. Hawkins and Defendant Gabriel Technologies Corporation to approve settlement and to dismiss Gabriel (Filing No. 126) is approved;
2. Plaintiff's claims against Defendant Gabriel Technologies Corporation are dismissed with prejudice, complete record waived, and those parties will bear their own costs, expenses, and attorney fees;
3. The joint motion of Plaintiff Hugh A. Hawkins and Defendant Gabriel Technologies Corporation to approve settlement and to dismiss Gabriel (Filing No. 125) is denied as moot;
4. The motion filed by Clifford T. Lee and Rasmussen & Mitchell to withdraw as counsel for Defendant Gabriel Technologies Corporation (Filing No. 124) is denied as moot; and
5. The Clerk of the Court is directed to amend the caption in this case by terminating Gabriel Technologies Corporation as a defendant.

DATED this 30th day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge