

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

JANICE KUMM and DEANN KUMM,
individually and as co-personal
representatives of the ESTATE OF
GAYLORD KUMM; BEN KUMM; GLEN R.
KUMM; and STARR KUMM n/k/a Starr
Wallace,

Plaintiffs,

v.

PHOENIX LIFE INSURANCE COMPANY
and PHL VARIABLE INSURANCE
COMPANY,

Defendants.

CASE NO. 8:08CV368

**ORDER ON STIPULATION OF
DISMISSAL**

This matter is before the Court on the Parties' Stipulation of Dismissal, filed pursuant to pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). (Filing No. 132). Being fully advised, the Court will dismiss this action with prejudice, with each party to bear its own costs and attorneys fees.

ACCORDINGLY, IT IS ORDERED that:

This action and all claims or counterclaims that were brought or could have been brought is dismissed with prejudice with each party to bear its own costs and attorneys' fees.

Dated this 30th day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge

Prepared and Submitted by:

Kenneth W. Hartman (#21954)
of BAIRD HOLM LLP
1500 Woodmen Tower
1700 Farnam St
Omaha, NE 68102-2068
(402) 344-0500
khartman@bairdholm.com

Attorneys for Plaintiffs

DOCS/971726.1