

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARBARA M. VACANTI,
PERSONAL REPRESENTATIVE OF
THE ESTATE OF MILO VACANTI,

Plaintiff,

vs.

SUNSET FINANCIAL SERVICES,
INC., and BRYAN S. BEHRENS,

Defendants.

8:08-CV-436

ORDER

BARBARA M. VACANTI,
PERSONAL REPRESENTATIVE OF
THE ESTATE OF MILO VACANTI,

Plaintiff,

vs.

SUNSET FINANCIAL SERVICES,
INC., and BRYAN S. BEHRENS,

Defendants.

8:09-CV-44

ORDER

This matter is before the Court on the stipulation and joint motions for dismissal with prejudice (case no. 8:08-cv-436 filing [376](#); case no. 8:09-cv-44 filing [296](#)) of the plaintiff's claims against Sunset Financial Services. The motions will be granted.

With the dismissal of the plaintiff's claims against Sunset, no claims remain pending in these cases. Sunset's third-party claims against William H. Green were severed by the bankruptcy court pursuant to [Fed. R. Bankr. P. 7021](#) and [Fed. R. Civ. P. 21](#), and remain pending in the bankruptcy court. *See*, case no. 8:08-cv-436 filings [264](#) and [265](#); case no. 8:09-cv-44 filings [188](#) and [189](#). But because they were severed pursuant to [Rule 21](#), they proceed in

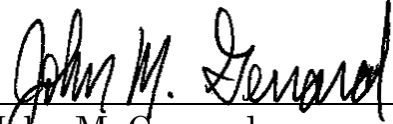
discrete, independent actions, and it is the Court's duty to render final judgments on the claims before it. See *E.S. v. Indep. Sch. Dist.*, 135 F.3d 566, 568 (8th Cir. 1998). Accordingly, the Court will close these cases and render final judgments under Fed. R. Civ. P. 58(a).

IT IS ORDERED:

1. The moving parties' stipulation and joint motions for dismissal with prejudice (case no. 8:08-cv-436 filing 376; case no. 8:09-cv-44 filing 296) are granted.
2. The plaintiff's claims against Sunset Financial Services are dismissed with prejudice, each party to bear its attorney fees and costs.
3. All claims having been dismissed, this case is closed.
4. A separate judgment will be entered.

Dated this 30th day of July, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge