

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

**AMERICAN GENERAL LIFE
INSURANCE COMPANY,**)
)
)
 Plaintiff,)
)
)
 v.)
)
 DONNA J. BAKER, et al.,)
)
 Defendants.)
 *****)
 DONNA J. BAKER,)
)
 Third-Party Plaintiff,)
)
)
 v.)
)
 **FIVE POINTS BANK INSURANCE
AGENCY, et al.,**)
)
 Third-Party Defendants.)

CASE NO. 8:09CV106

ORDER

This matter is before the Court on the joint motion of all parties to dismiss Third-Party Defendant Five Points Bank Insurance Agency without prejudice (Filing No. 58). The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court finds that it should be approved. Accordingly,

IT IS ORDERED:

1. The parties' Joint Stipulation for Dismissal without Prejudice (Filing No. 58) is approved;
2. Third-Party Plaintiff's claims against Third-Party Defendant Five Points Bank Insurance Agency are dismissed without prejudice;
3. Five Points Bank Insurance Agency will pay its own costs and attorney fees; and
4. The Clerk of the Court is directed to amend the caption in this case by terminating Five Points Bank Insurance Agency as a third-party defendant.

DATED this 6th day of October, 2009.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge