

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FIRST NATIONAL BANK OF OMAHA )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 1ST NATIONAL MERCHANT )  
 SERVICES, INC., )  
 )  
 Defendant. )

Case No. 8:09-cv-218

**ORDER OF DISMISSAL  
WITH PREJUDICE**

This matter comes before the Court on the Stipulation for Dismissal (filing 21) filed by Plaintiff First National Bank of Omaha and Defendant 1st National Merchant Services, Inc. Having reviewed the Stipulation, the Court hereby finds and orders as follows:

IT IS HEREBY ORDERED that the Stipulation for Dismissal (filing 21) shall be and the same is hereby APPROVED;

IT IS FURTHER ORDERED that this action is hereby DISMISSED WITH PREJUDICE; provided, however, this Order shall not supersede the Order and Permanent Injunction (filing 15) entered by the Court on December 10, 2009.

IT IS SO ORDERED this 1<sup>st</sup> day of March, 2010.

BY THE COURT:

**s/ Joseph F. Bataillon**  
Chief District Judge