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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JONATHAN E. FULLER AND KYOKO I. FULLER,	)	**CASE NO. 8:09CV377**
Plaintiffs,	)	
v.	)	**ORDER**
UNITED STATES OF AMERICA,	)	
Defendant.	)	

This matter is before the Court on the parties' Joint Stipulation for Dismissal of Kyoko I. Fuller, With Prejudice (Filing No. 57). The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court concludes that it should be approved. Accordingly,

IT IS ORDERED:

1. The parties' Joint Stipulation for Dismissal of Kyoko I. Fuller, With Prejudice (Filing No. 57) is approved;

2. All claims in the Amended Complaint (Filing No. 6) seeking the refund of penalties assessed against Kyoko I. Fuller under 26 U.S.C. § 6677for the 2001 and 2002 tax years, and all claims seeking the refund of interest paid on such penalties, shall be dismissed with prejudice;

3. Kyoko I. Fuller is dismissed as a party plaintiff, and the clerk is instructed to remove Kyoko I. Fuller from the case caption; and

4. The parties subject to this order will bear their own costs and attorneys' fees.

DATED this 7th day of March, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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