

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

<b>ELOY MARTINEZ,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>8:10CV343</b>
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>TYSON FOODS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

Upon notice of settlement given to the magistrate judge on September 9, 2011, by counsel for the defendant,

**IT IS ORDERED that:**

1. **On or before October 10, 2011**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to Chief Judge Joseph F. Bataillon, at *bataillon@ned.uscourts.gov*, a draft order which will fully dispose of the case. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.
2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice.
3. The pretrial conference and trial previously scheduled are cancelled upon the representation that this case is settled.

DATED this 9th day of September, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge