

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

**DUANE JACOBS, an individual;
CAROLYN SUE JACOBS, an individual;
JMJ LAND, LLC, a Nebraska limited
liability company; LARUE KAY
MARSHALL, an individual; and
HAROLD DEAN MARSHALL, an
individual;**

Plaintiffs,

vs.

**PT HOLDINGS, Inc., a Nebraska
corporation; LAWRENCE J. VOLFF, an
individual; GEORGE MCFADDEN, an
individual; LARRY A. BAKER, an
individual; and FEDERAL DEPOSIT
INSURANCE CORPORATION, in its
capacity as receiver and/or conservator
of Sherman county Bank;**

Defendants.

CASE NO. 8:11CV106

**ORDER AND
FINAL JUDGMENT**

This matter is before the Court on the Stipulation for Dismissal With Prejudice. (Filing No. 86.) The Stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii),¹ and the Court concludes that it should be approved. Each party will bear its own costs, complete record waived. Accordingly,

IT IS ORDERED:

1. The Stipulation for Dismissal With Prejudice (Filing No. 86) is approved;

¹ On March 27, 2012, the Court directed that the action removed from the District Court of Sherman County, Nebraska (Filing Nos. 1, 1-1), be remanded to the District Court of Sherman County, Nebraska, while the adversary proceeding (Case No. AP11-4184-TLS) that was consolidated with the above captioned action remain pending before the Court. (Filing No. 68; *see also* Filing Nos 40, 41.) PT Holdings, Inc., Lawrence J. Volf, George McFadden, Larry Baker, and the Federal Deposit Insurance Corporation ("FDIC") were all defendants in the action remanded to Sherman County. The adversary proceeding that remained pending before this Court was filed by Plaintiff JMJ Land, LLC ("JMJ"), against only the FDIC. The only parties that remain involved in the action currently before the Court are JMJ and the FDIC. The Stipulation was signed by counsel for JMJ and counsel for the FDIC.

2. The above-captioned action, which includes the adversary proceeding that was consolidated with the above captioned action (see Case No. AP11-4184-TLS), is dismissed as to all claims and counterclaims; and
3. Each party shall bear its own costs, complete record waived.

Dated this 22nd day of October, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge