

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1:07cv117

NATASHA SINCLAIR,)
)
 Plaintiff,)
)
 Vs.)
)
 MOBILE 360, INC.; AUTO)
 ADVANTAGE, INC.; KEVIN)
 GEAGAN; and GERALD ELDRIDGE,)
)
 Defendants and)
 Third-Party Plaintiffs,)
)
 Vs.)
)
 MICHAEL KITCHEN,)
)
 Third-Party Defendant)
 and Counter Claimant,)
)
 Vs.)
)
 MOBILE 360, INC.; AUTO)
 ADVANTAGE, INC.; KEVIN)
 GEAGAN; and GERALD ELDRIDGE,)
)
 Counter Defendants.)
)

JUDGMENT

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(c) and on defendants and third-party plaintiffs’ Motion for Summary Judgment (#72) and Motion to Dismiss (#75), and it appearing from a review of the evidence and arguments submitted that no genuine issue of material fact remains for trial and that defendants are entitled to the judgment they seek as a matter

of law, for the reasons discussed in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that third-party plaintiffs' Motion for Summary Judgment (#72) is **GRANTED**, the alternative Motion to Dismiss (#75) is **DENIED** without prejudice, and all claims asserted in the Amended Complaint and Amended Counter Claim are **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that the Third-Party Complaint of defendants is **DISMISSED** without prejudice as the relief sought therein has now become moot.

Inasmuch as plaintiff and third-party defendant are proceeding *pro se*, they are respectfully advised that they have the right to appeal this judgment to the Court of Appeals for the Fourth Circuit within thirty (30) days of the entry of this Judgment. Fed.R.App.P. 4(a)(1)(A).

Signed: January 16, 2009



Dennis L. Howell
United States Magistrate Judge

