

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:08cv29**

PAUL FAGAN; and EVELYN FAGAN,)

Plaintiffs,)

Vs.)

ORDER

**UNITRIN AUTO AND HOME
INSURANCE COMPANY d/b/a
Kemper, a Unitrin Business,**)

**Defendant and
Third-Party Plaintiff,**)

Vs.)

ICA, INC.,)

Third-Party Defendant.)

_____)

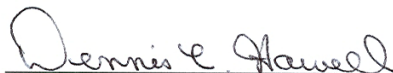
THIS MATTER is before the court on notice received from counsel for plaintiffs that this action has settled. Counsel advises that due to time necessary for the exchange of certain papers, the Rule 41 Voluntary Dismissal of All Claims With Prejudice, signed by counsel for all parties, will not be filed until November 30, 2009.

ORDER

IT IS, THEREFORE, ORDERED that upon suggestion of settlement, that the parties file the Rule 41 Voluntary Dismissal of All Claims With Prejudice, signed by counsel for all parties, not later than November 30, 2009.

Respective counsel are advised that they are not presently on a trial calendar as the ECF notification they received October 6, 2009, was only a modification resetting the “ready date for trial” based on a change in the presiding judge.

Signed: October 7, 2009



Dennis L. Howell
United States Magistrate Judge

