

IN THE UNITED STATES COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RYAN SIMKO	)	CASE NO. 1:07 CV 2497
	)	
Plaintiff	)	JUDGE CHRISTOPHER A. BOYKO
	)	
vs.	)	<b><u>F.R.C.P. 41 (a)(1)(ii)</u></b>
	)	<b><u>Stipulation of Dismissal</u></b>
CMI Terex Corporation	)	<b><u>Without Prejudice</u></b>
	)	
Defendant	)	

Now comes the Plaintiff, Ryan Simko, and the Defendant, CMI Terex Corporation, by and through their respective undersigned counsel and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure hereby stipulate to a voluntary dismissal without prejudice and subject to refiling of this action. Court and docket fees to be paid by Plaintiff and each party will be responsible for their own attorney fees and costs incurred to date.

IT IS SO ORDERED:

DATE: 8/21/08

S/CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT COURT

Respectively Submitted,

/s/ Richard V. Zurz, Jr.

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