

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BENJAMIN SHIRK, <i>et al.</i> ,	:	Case No. 1:05-cv-049
	:	
Plaintiffs,	:	Magistrate Judge Timothy S. Black
	:	
vs.	:	
	:	
FIFTH THIRD BANCORP, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ENTRY OF SUMMARY JUDGMENT FOR ALL DEFENDANTS ON ALL COUNTS
OF PLAINTIFFS' SECOND AMENDED COMPLAINT**

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, and in conformity with the Court's separate Memorandum Opinion and Order of September 29, 2009 (Doc. 397) Granting Defendants' Motion for Summary Judgment on Counts VII-IX of Plaintiffs' Second Amended Complaint (Doc. 376), and the Court's separate Memorandum Opinion and Order of January 29, 2009 (Doc. 358) Granting Defendants' Motions for Summary Judgment on Counts I-VI of Plaintiffs' Second Amended Complaint (Docs. 277 and 292), both such Orders having been previously entered herein, the Court having found that there are no genuine issues of material fact in dispute and that Defendants are entitled to judgment as a matter of law on all counts of Plaintiffs' second amended complaint, the Court hereby enters summary judgment in favor of all Defendants and against Plaintiffs, hereby dismissing Plaintiffs' second amended complaint.

There being no just reason for delay, this entry is a final appealable order, and the Clerk shall forthwith serve the parties with a copy of this entry.

IT IS SO ORDERED.

Date: 9/30/09

s/ Timothy S. Black
Timothy S. Black
United States Magistrate Judge