

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

INHALATION PLASTICS, INC.,

Plaintiff,

v.

**MEDEX CARDIO-PULMONARY, INC.
SMITHS MEDICAL ASD, INC.
a/k/a SMITHS MEDICAL and d/b/a
SMITHS MEDICAL,**

Defendants.

Case No. 2:07-cv-116

Judge Michael H. Watson

Magistrate Judge Jolson

MEDEX CARDIO-PULMONARY, INC.,

Counter-Plaintiff,

v.

**INHALATION PLASTICS, INC.,
WALTER LEVINE and
DAVID LEVINE,**

Counter-Defendants.

AGREED ENTRY RESOLVING NOTICE OF ATTORNEY LIEN

This matter is before the Court on the petition of non-parties Matthew Tanner and Richard Lehman to enforce an attorney lien, ECF No. 409. Plaintiff/Counter-Defendants have disputed the enforceability of the lien. Previously, the Court had ordered \$100,000 to be deposited with the Clerk and

directed the Clerk to place those funds in an interest-bearing account pending resolution of the lien issue. See ECF No. 403.

The parties have notified the Court that they have resolved the dispute over the attorney lien. Accordingly, the Court **ORDERS** the following per agreement of the parties:

1. The petition to enforce filed by Messrs. Tanner and Lehman, EFC No. 409, is deemed withdrawn.
2. The Clerk shall distribute all funds that were deposited as follows:
 - a. \$37,500 payable to Matthew Tanner.
 - b. \$37,500 payable to Richard Lehman.
 - c. \$25,000 plus any and all interest accrued on all of the deposited funds payable to Inhalation Plastics, Inc.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

Agreed:

/s/ Barton R. Keyes
Rex H. Elliott
(0054054)
Barton R. Keyes (0083979)
Adam P. Richards (0085335)
Cooper & Elliott, LLC
2175 Riverside Drive
Columbus, Ohio 43221

/s/ Matthew D. Tanner (per email auth.)
Matthew D. Tanner
Roeser Tanner & Graham LLC
2 North Riverside Plaza
Suite 1850
Chicago, Illinois 60606
(312) 300-2522
mtanner@rtglaw.com

(614) 481-6000
(614) 481-6001 (Facsimile)
rexe@cooperelliott.com
bartk@cooperelliott.com

Attorney for Matthew D. Tanner and
Richard H. Lehman, sole members of
Tanner & Lehman, LLC

Attorneys for Plaintiff/Counter-Defendant
Inhalation Plastics, Inc. and Counter-
Defendants David Levine and Walter
Levine