

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|------------------------------------|---|-----------------------------|
| LPP MORTGAGE LTD., |) | CASE NO. 2:10-CV-929 |
| |) | |
| Plaintiff, |) | JUDGE GEORGE C. SMITH |
| |) | |
| v. |) | MAGISTRATE JUDGE NORAH KING |
| |) | |
| 771 POLARIS, LTD., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**AGREED ORDER GRANTING MOTION OF LPP MORTGAGE LTD. TO (I) AMEND
COMPLAINT AND (II) DISMISS CERTAIN DEFENDANTS**

This matter came before the Court on the *Motion of LPP Mortgage Ltd. to (i) Amend Complaint and (ii) Dismiss Certain Defendants* (the “Motion”) requesting entry of an order (i) giving LPP leave to amend its Complaint for Breach of Contract and Other Relief filed on October 14, 2010 [Docket No. 1] (the “Complaint”) to remove the Third and Fourth Claims for Relief pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and (ii) dismissing Defendants 771 Polaris, Ltd., The Slane Company, Ltd. n/k/a 261 Real Estate Group, Ltd., and Charles J. Slane pursuant to Rule 21 of the Federal Rules of Civil Procedure. Notice of the Motion has been served on all interested parties as required by law, each of the Defendants to this proceeding have agreed to this Order and no objections to the Motion have been made. The Court has considered the Motion and finds the Motion to be well-taken, hereby **GRANTS** the Motion in its entirety.

Therefore, it is hereby **ORDERED, ADJUDGED, AND DECREED** that LPP is granted leave to amend the Complaint to remove the Third and Fourth Claims for Relief without prejudice to refile such Claims for Relief and, therefore, the Third and Fourth Claims for

Relief are deemed removed by this Order without the necessity of filing an amendment to the Complaint.

It is further **ORDERED, ADJUDGED, AND DECREED** that Defendants 771 Polaris, Ltd., The Slane Company, Ltd. n/k/a 261 Real Estate Group, Ltd., and Charles J. Slane are hereby dismissed from this action without prejudice to refileing against them.

It is further **ORDERED, ADJUDGED, AND DECREED** that this action remain pending as to Defendants Daniel M. Slane, Waterford Limited Partnership, National Community Builders, Inc., and Joseph J. Recchie.

IT IS SO ORDERED.


United States District Court Judge ~~George C. Smith~~ 14N6

6/21/12

SUBMITTED BY:

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