

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:08-cv-211

-vs-

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

:

ACCOUNT AT FIFTH-THIRD BANK  
NO. \*\*\*\*\* 5536 IN THE NAME  
OF 8 BALL & WINGS, INC.,  
CONTENTS OF \$54,290.56,

Defendant.

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**CONDITIONAL DISMISSAL ORDER**

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The above matter having been settled by mediation on August 24, 2010, it is ORDERED that this action (including all claims by all parties) is hereby DISMISSED WITH PREJUDICE, provided that any of the parties may, upon good cause shown not later than **September 24, 2010**, reopen the action if settlement is not consummated. The parties may substitute a judgment entry contemplated by the settlement agreement upon approval of the Court. Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 114 S. Ct. 1673, 128 L.Ed. 2d 391, 1994, and incorporate appropriate language in any substituted judgment entry.

The parties herein consent to the undersigned entering said Conditional Dismissal Order.

This Court explicitly retains jurisdiction to enforce the settlement agreement reached by the parties, on motion or *sua sponte*.

Each party shall bear its own costs.

August 25, 2010.

s/ **Michael R. Merz**  
United States Magistrate Judge