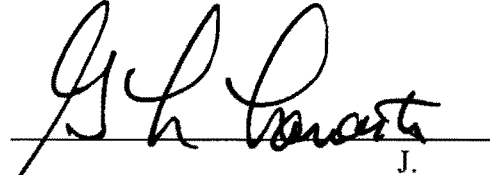


the instant action is dismissed with prejudice.

BY THE COURT,


1/4/10

J.