

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

315 UNION STREET HOLDINGS, LLC,)
UNION STREET PLAZA OPERATIONS,)
LLC, MARK LINEBERRY, and)
KEITH WORSHAM,)

Plaintiffs,)

v.)

BRANCH BANKING AND TRUST)
COMPANY,)
PEACHTREE HOSPITALITY)
MANAGEMENT, LLC,)
PEACHTREE HOTEL GROUP, LLC,)
ROB MALE, CHRIS SWEITZER, and)
GREG FRIEDMAN,)

Defendants.)

No. 3:10-cv-1109
JUDGE HAYNES

JOINT MOTION AND AGREED ORDER OF DISMISSAL

Plaintiffs 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC, and defendants Branch Banking and Trust Company, Peachtree Hospitality Management, LLC, Peachtree Hotel Group, LLC, Rob Male, Chris Sweitzer and Greg Friedman, for their agreed order of dismissal, state as follows:

1. On December 3, 2010, 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC each filed a petition for bankruptcy under Chapter 11 of the Bankruptcy Code. The Chapter 11 bankruptcy proceedings are pending before Judge Lundin of the U.S. Bankruptcy Court for the Middle District of Tennessee under Case Nos. 3:10-bk-13106 and 3:10-bk-13107.


2. The Bankruptcy Court ordered the appointment of a Chapter 11 Trustee for 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC on December 16, 2010.

3. Robert H. Waldschmidt ("Trustee") was appointed as Chapter 11 Trustee in each bankruptcy case.

4. Trustee, on behalf of Plaintiffs 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC, seeks to dismiss without prejudice all claims brought by Plaintiffs 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC in this action.

Accordingly, by agreement of the parties, and the Court being sufficiently advised;

It is hereby **ORDERED** that the claims made by Plaintiffs 315 Union Street Holdings, LLC and Union Street Plaza Operations, LLC against defendants Branch Banking and Trust Company, Peachtree Hospitality Management, LLC, Peachtree Hotel Group, LLC, Rob Male, Chris Sweitzer, and Greg Friedman are dismissed without prejudice.


WILLIAM J. HAYNES
United States District Judge

APPROVED FOR ENTRY:

s/ Robert H. Waldschmidt
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