

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff,

v.

MAGTEK CORPORATION,

Defendant.

CIVIL ACTION No. 2-06-CV-72 (DF)

JURY

STIPULATED ORDER OF DISMISSAL

WHEREAS, Plaintiff DataTreasury Corporation (“DTC”) filed this action on March 28, 2006 against Defendant MagTek, Inc. (“MAGTEK”); and

WHEREAS, DTC and MAGTEK have entered into an agreement to settle the claims asserted in the above-captioned action on certain terms and conditions set forth in their agreement;

NOW, THEREFORE, DTC and MAGTEK stipulate and agree, by and through their respective counsel of record, that the Court enter the following Stipulated Order of Dismissal, which shall be binding upon them:

1. The Court has specific personal jurisdiction over DTC and MAGTEK for purposes of this action only.
2. The claims of DTC against MAGTEK in the above-captioned action are hereby dismissed with prejudice.
3. The claims of MAGTEK against DTC in the above-captioned action are hereby dismissed with prejudice.

4. MAGTEK shall bear its own costs and attorneys' fees and DTC shall bear its own costs and attorneys' fees in connection with the above-captioned action. In addition, DTC and MAGTEK waive all rights to appeal this Stipulated Order of Dismissal.

Respectfully submitted,

/s/ by permission of Rod A. Cooper

Edward L. Hohn (TX#09813240)
NIX PATTERSON & ROACH, L.L.P.
205 Linda Drive
Daingerfield, Texas 75638
Tel: (903) 645-7333
Fax: (903) 645-4415

Rod A. Cooper (TX#90001628)
NIX PATTERSON & ROACH, L.L.P.
5215 N. O'Connor Blvd
Suite 1900
Irving, Texas 75062
Tel: (972) 831-1188
Fax: (972) 444-0716

Joe Kendall (TX#11260700)
PROVOST UMPHREY, L.L.P.
3232 McKinney Avenue
Suite 700
Dallas, Texas 75204
Tel: (214) 774-3000
Fax: (214) 744-3015

Eric M. Albritton (TX#00790215)
ALBRITTON LAW FIRM
109 West Tyler
Longview, Texas 75601
Tel: (903) 757-8449
Fax: (903) 758-6397

T. John Ward, Jr. (TX#00794818)
LAW OFFICES OF T. JOHN WARD, JR. P.C.
109 West Tyler
Longview, Texas 75601
Tel: (903) 757-6400
Fax: (903) 758-7397

ATTORNEYS FOR PLAINTIFF
DATATREASURY CORPORATION



David Dillard
Brian K. Brookey, Esq.

CHRISTIE, PARKER & HALE, LLP
350 West Colorado Blvd., Suite 500
Post Office Box 7068
Pasadena, California 91109-7068
Phn: (626) 795-9900
Fax: 626-577-8800

Otis Carroll
J. Wesley Hill, Esq.
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
P. O. Box 7879
Tyler, Texas 75711
Phn: (903) 561-1600
Fax: (903) 581-1071

ATTORNEYS FOR DEFENDANT
MAGTEK CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff,

v.

MAGTEK CORPORATION,

Defendant.

CIVIL ACTION No. 2-06-CV-72 (DF)

JURY

ORDER

Pursuant to the Stipulation between DTC and MAGTEK, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Court has specific personal jurisdiction over DTC and MAGTEK for purposes of this action only.
2. The claims of DTC against MAGTEK in the above-captioned action are hereby dismissed with prejudice.

3. MAGTEK shall bear its own costs and attorneys' fees and DTC shall bear its own costs and attorneys' fees in connection with the above-captioned action. In addition, DTC and MAGTEK waive all rights to appeal this Stipulated Order of Dismissal.

Dated: October __, 2006

Honorable David J. Folsom
United States District Judge

RG PAS704937.1-*-10/10/06 4:57 PM