

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.,

Defendants.

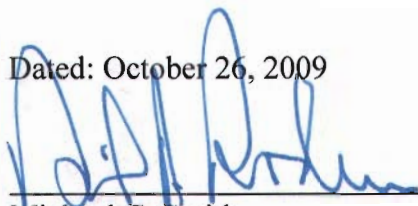
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Case No.: 2:09-cv-00102-TJW

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS
AGAINST DEFENDANT WAL-MART STORES, INC.**

The plaintiff, Actus LLC, and defendant Wal-Mart Stores, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby respectfully move the Court for an order dismissing all claims in this action WITH PREJUDICE and dismissing any counterclaims as MOOT, subject to the terms of that certain agreement entitled SETTLEMENT AGREEMENT and dated October 8, 2009, with each party to bear its own costs, expenses and attorneys' fees.

Dated: October 26, 2009



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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 27th day of October, 2009.

/s/ William E. Davis, III
William E. Davis, III