

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION


|                                |   |                             |
|--------------------------------|---|-----------------------------|
| ACTUS, LLC,                    | ) |                             |
|                                | ) |                             |
| Plaintiff,                     | ) |                             |
|                                | ) |                             |
| v.                             | ) | Case No.: 2:09-cv-00102-TJW |
|                                | ) |                             |
| BANK OF AMERICA CORP., et al., | ) |                             |
|                                | ) |                             |
| Defendants.                    | ) |                             |

**ORDER OF DISMISSAL WITH PREJUDICE**

In consideration of the parties' Stipulated Motion for Dismissal of all claims with prejudice and all counterclaims as moot asserted between plaintiff, Actus LLC, and defendant Wal-Mart Stores, Inc., the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit between plaintiff and defendant Wal-Mart Stores Inc. are hereby dismissed with prejudice and all counterclaims are dismissed as moot, subject to the terms of that certain agreement entitled SETTLEMENT AGREEMENT dated October 8, 2009.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

**SIGNED this 28th day of October, 2009.**

  
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 DAVID FOLSOM  
 UNITED STATES DISTRICT JUDGE