

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff, Actus LLC, and defendant, JPMorgan Chase & Co., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE and dismissing all counterclaims as MOOT, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" and dated October 30, 2009, with each party to bear its own costs, expenses and attorneys fees.

Dated: November 10, 2009
JPMORGAN CHASE & CO.

Respectfully Submitted,
ACTUS, LLC

By: /s/ Herbert A. Yarbrough, III
Herbert A. Yarbrough, III
Texas State Bar No. 22133500
Yarbrough & Wilcox, PLLC
100 East Ferguson, Suite 1015
Tyler, Texas 75702
Phone: 903-595-3111
Fax: 903-595-0191
Email: trey@yw-lawfirm.com

By: /s/ William E. Davis, III
William E. Davis, III
Texas State Bar No. 24047416
The Davis Firm, PC
111 West Tyler Street
Longview, Texas 75601
Phone: 903-230-9090
Fax: 903-230-9661
Email: bdavis@bdavisfirm.com

ATTORNEY FOR DEFENDANT
JPMORGAN CHASE & CO.

ATTORNEY FOR PLAINTIFF
ACTUS, LLC

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 10th day of November, 2009.

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