

**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, Green Dot Corporation, 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 December 22, 2009, with each party to bear its own costs, expenses and attorneys fees.

Dated: December 29, 2009

GREEN DOT CORPORATION

By: /s/ E. Glenn Thames, Jr.

E. Glenn Thames, Jr.

Texas State Bar No. 00785097

Potter Minton

110 North College, 500 Plaza Tower

Tyler, Texas 75702

Phone: 903-597-8311

Fax: 903-593-0846

Email: glennthames@potterminton.com

ATTORNEY FOR DEFENDANT

GREEN DOT CORPORATION

Respectfully Submitted,

ACTUS, LLC

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 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 29th day of December, 2009.

/s/ William E. Davis, III

William E. Davis, III