

**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**

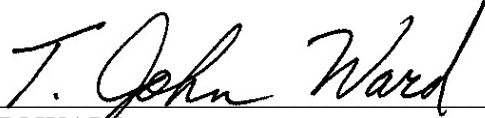
**ORDER OF DISMISSAL WITH PREJUDICE**

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 defendants, Vivendi Universal U.S. Holding Co. and Vivendi Universal, SA, the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit between Plaintiff and Defendants are hereby dismissed with prejudice and all counterclaims and pending motions are dismissed as moot, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" dated January 8, 2010.

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

SO ORDERED.

SIGNED this 26th day of January, 2010.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE