

**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 defendant Disney Gift Card Services, 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 Disney Gift Card Services, 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 February 5, 2010.

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

SIGNED this 16th day of February, 2010.



T. JOHN WARD

UNITED STATES DISTRICT JUDGE