



WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this action be dismissed with prejudice between them, with all costs of court being assessed against the party who incurred them.

Dated: April 22, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served this 22<sup>nd</sup> day of April, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served via electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux