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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

NO. CV-05-0399-EFS

v.

**ORDER GRANTING JOINT MOTION
FOR DISMISSAL OF CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS**

CHURCH OF JESUS CHRIST,
LATTER-DAY SAINTS d/b/a
Corporation of the Presiding
Bishop of the Church of Jesus
Christ of Latter Day Saints,
a Utah corporation, d/b/a
Corporation of the President
of the Church of Jesus Christ
of Latter Day Saints, a Utah
Corporation; DONALD C.
FOSSUM, and STEVEN D.
BRODHEAD,

Defendants.

Before the Court, without oral argument, is the parties' Joint Motion for Dismissal of Church of Jesus Christ of Latter-Day Saints (Ct. Rec. 87). After reviewing the parties' Agreed Facts and Stipulation, the Court finds good cause grant the motion. Accordingly, **IT IS HEREBY**

ORDERED:

1. The Joint Motion for Dismissal of Church of Jesus Christ of Latter-Day Saints (Ct. Rec. 87) is **GRANTED**.

1 2. The Church of Jesus Christ of Latter-Day Saints is dismissed
2 from this action with prejudice and without costs to any party.

3 3. Dismissal of The Church of Jesus Christ of Latter-Day Saints
4 does not impact any claim or cause of action plead in the Complaint and
5 both Corporation of the Presiding Bishop of the Church of Jesus Christ
6 of Latter Day Saints ("CPB") and Corporation of the President of the
7 Church of Jesus Christ of Latter Day Saints ("COP") will remain as
8 Defendants in the case.

9 4. The caption is hereby AMENDED to reflect the dismissal of the
10 Church of Jesus Christ of Latter-Day Saints and the continuance of the
11 lawsuit against Defendants CPB and COP (remove d/b/a labels).

12 5. CPB and COP, either or both, will be vicariously liable for any
13 negligence attributed to defendant Donald Fossum under the doctrine of
14 *respondeat superior*.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter
16 this Order and provide copies to counsel.

17 **DATED** this 19th day of April 2007.

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19 S/ Edward F. Shea
20 EDWARD F. SHEA
United States District Judge

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