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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
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8 DIGIDEAL CORPORATION, a  
9 Washington Corporation,

10 Plaintiff/  
11 Counterdefendant,

12 v.

13 SHUFFLE TECH INT'L LLC, an  
14 Illinois Limited Liability Company,  
15 RICHARD SHULTZ, an individual,  
16 POYDRAS-TALRICK HOLDINGS  
17 LLC, a Delaware Limited Liability  
18 Company,

19 Defendants/  
20 Counterclaimants/  
21 Third-Party Plaintiffs

22 v.

23 MICHAEL J. KUHN, an individual,

24 Third-Party Defendant/  
25 Counterclaimant.  
26

NO. 2:14-CV-00277-JLQ

ORDER RE: NOTICE OF  
WITHDRAWAL OF MOTION TO  
VACATE

21 On August 11, 2016, the parties filed a Stipulation and Motion for Dismissal with  
22 Prejudice. (ECF No. 79). On August 12, 2016, the court granted the Motion for Dismissal,  
23 and as requested by the parties, entered Judgment dismissing the claims with prejudice.  
24 See (ECF No. 80): (ECF No. 81). On September 26, 2016, Plaintiff filed a Confession of  
25 Judgment (ECF No. 82).

ORDER - 1

1 On September 28, 2016, the court issued an Order directing the parties to respond to  
2 jurisdictional and procedural issues raised therein. (ECF No. 83). Plaintiff responded by  
3 filing a Motion to Vacate (ECF No. 85) asserting the Defendants repudiated the settlement  
4 agreement. After Defendants responded to the Motion to Vacate, Plaintiff filed a Notice of  
5 Withdrawal of Motion to Vacate Without Prejudice (ECF No. 87) stating Plaintiff and  
6 Third-Party Defendant “intend to pursue the matter in state court” and seek to withdraw  
7 the Motion to Vacate and Confession of Judgment (ECF No. 87 at 2).

8 The Notice of Withdrawal is well-taken. The court did not retain jurisdiction to  
9 enforce the Confession of Judgment.

10 **IT IS HEREBY ORDERED:**

- 11 1. Plaintiff’s Motion to Vacate (ECF No. 85) is **WITHDRAWN**.
- 12 2. The Confession of Judgment (ECF No. 82) is **WITHDRAWN**.

13 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, furnish  
14 copies to counsel, and close this file.

15 Dated November 8, 2016.

16 s/ Justin L. Quackenbush  
17 JUSTIN L. QUACKENBUSH  
18 SENIOR UNITED STATES DISTRICT JUDGE  
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