

**U.S. District Court  
North Carolina Middle District (NCMD)  
CIVIL DOCKET FOR CASE #: 1:11-cv-00507-TDS-JEP**

UNITED STATES OF AMERICA v. ALAMANCE COUNTY, NORTH CAROLINA et al  
Assigned to: JUDGE THOMAS D. SCHROEDER  
Referred to: MAG/JUDGE JOI ELIZABETH PEAKE  
Cause: 28:2201 Declaratory Judgment

Date Filed: 06/23/2011  
Date Terminated: 09/18/2012  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**UNITED STATES OF AMERICA**

represented by **SAMANTHA K. TREPTEL**  
U. S. DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVE., N.W.  
WASHINGTON, DC 20530  
202-514-6255  
Fax: 202-514-4883  
Email: [samantha.trepel@usdoj.gov](mailto:samantha.trepel@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**ALAMANCE COUNTY, NORTH  
CAROLINA**

represented by **CLYDE BALLINGER ALBRIGHT**  
ALAMANCE CO. ATTORNEY'S  
OFFICE  
PROSECUTORIAL DISTRICT 15-A  
124 W. ELM ST.  
GRAHAM, NC 27253  
336-570-4046  
Fax: 336-570-6788  
Email: [clyde.albright@alamance-nc.com](mailto:clyde.albright@alamance-nc.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**BENJAMIN CHARLES PIERCE**  
ALAMANCE CO. ATTORNEY'S  
OFFICE  
PROSECUTORIAL DISTRICT 15-A  
124 W. ELM ST.  
GRAHAM, NC 27253  
336-570-4050  
Fax: 336-570-6788  
Email: [ben.pierce@alamance-nc.com](mailto:ben.pierce@alamance-nc.com)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**ALAMANCE COUNTY SHERIFF'S  
OFFICE**

represented by **S. C. KITCHEN**  
Turrentine Law Firm, PLLC  
920-B Paverstone Dr.  
Raleigh, NC 27615  
888-308-3708  
Fax: 888-308-3614  
Email: [ckitchen@turrentinelaw.com](mailto:ckitchen@turrentinelaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

represented by

**TERRY S. JOHNSON**  
in his official capacity as Sheriff of  
Alamance County, North Carolina

**S. C. KITCHEN**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/23/2011	<u>1</u>	COMPLAINT against ALAMANCE COUNTY SHERIFF'S OFFICE, ALAMANCE COUNTY, NORTH CAROLINA, TERRY S. JOHNSON, filed by UNITED STATES OF AMERICA.(TREPTEL, SAMANTHA) (Entered: 06/23/2011)
06/27/2011	<u>2</u>	Summons Issued as to ALAMANCE COUNTY, NORTH CAROLINA, ALAMANCE COUNTY SHERIFF'S OFFICE, TERRY S. JOHNSON. (Attachments: # <u>1</u> Additional Summons – Sheriff's Office, # <u>2</u> Additional Summons – Johnson) (Sheets, Jamie) (Entered: 06/27/2011)
06/27/2011	<u>3</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Sheets, Jamie) (Entered: 06/27/2011)
06/27/2011		CASE REFERRED to Standing Order 30. (Sheets, Jamie) (Entered: 06/27/2011)
06/30/2011	<u>4</u>	NOTICE of Appearance by attorney S. C. KITCHEN on behalf of Defendant ALAMANCE COUNTY SHERIFF'S OFFICE (KITCHEN, S.) (Entered: 06/30/2011)
06/30/2011	<u>5</u>	MOTION to Dismiss for Lack of Jurisdiction by ALAMANCE COUNTY SHERIFF'S OFFICE. Responses due by 7/25/2011 (KITCHEN, S.) (Entered: 06/30/2011)
06/30/2011	<u>6</u>	<i>Alamance County Sheriff's Office</i> BRIEF re <u>5</u> MOTION to Dismiss for Lack of Jurisdiction. (Attachments: # <u>1</u> unpublished opinion, # <u>2</u> unpublished opinion, # <u>3</u> unpublished opinion, # <u>4</u> unpublished opinion)(KITCHEN, S.) (Entered: 06/30/2011)
06/30/2011	<u>7</u>	NOTICE of Appearance by attorney BENJAMIN CHARLES PIERCE on behalf of Defendant ALAMANCE COUNTY, NORTH CAROLINA (PIERCE, BENJAMIN) (Entered: 06/30/2011)
06/30/2011	<u>8</u>	MOTION to Dismiss by ALAMANCE COUNTY, NORTH CAROLINA. Responses due by 7/25/2011 (PIERCE, BENJAMIN) (Entered: 06/30/2011)
06/30/2011	<u>9</u>	BRIEF re <u>8</u> MOTION to Dismiss. (Attachments: # <u>1</u> Capers v. Durham Co. Sheriff Dept. – Unpublished Decision)(PIERCE, BENJAMIN) (Entered: 06/30/2011)
06/30/2011	<u>10</u>	NOTICE of Appearance by attorney CLYDE BALLINGER ALBRIGHT on behalf of Defendant ALAMANCE COUNTY, NORTH CAROLINA (ALBRIGHT, CLYDE) (Entered: 06/30/2011)
07/05/2011	<u>11</u>	NOTICE of Appearance by attorney S. C. KITCHEN on behalf of Defendant TERRY S. JOHNSON (KITCHEN, S.) (Entered: 07/05/2011)
07/08/2011	<u>12</u>	DECLARATION <i>Proof of Service that Summons, Complaint, and Notice of Right to Consent to Proceed before a United States Magistrate Judge were served on Defendant Alamance County, North Carolina, c/o Craig F. Honeycutt, County Manager by Certified Mail June 29, 2011</i> by Plaintiff UNITED STATES OF AMERICA. (TREPTEL, SAMANTHA) (Entered: 07/08/2011)
07/08/2011	<u>13</u>	DECLARATION <i>of Proof of Service that Summons, Complaint, and Notice of Right to Consent to Proceed before a United States Magistrate Judge were served on Defendant Sheriff Terry S. Johnson, Alamance County Sheriffs Office by Certified Mail June 29, 2011</i> by Plaintiff UNITED STATES OF AMERICA. (TREPTEL, SAMANTHA) (Entered: 07/08/2011)
07/08/2011	<u>14</u>	DECLARATION <i>of Proof of Service that Summons, Complaint, and Notice of Right to Consent to Proceed before a United States Magistrate Judge were served on Defendant Alamance County Sheriffs Office, c/o Sheriff Terry S. Johnson by Certified Mail June 29, 2011</i> by Plaintiff UNITED STATES OF AMERICA.

		(TREPTEL, SAMANTHA) (Entered: 07/08/2011)
07/08/2011	<u>15</u>	DECLARATION of Proof of Service that the Summons, Complaint, and Notice of Right to Consent to Proceed before a United States Magistrate Judge were served on Defendants in c/o Clyde B. Albright, County Attorney by Certified Mail June 29, 2011 by Plaintiff UNITED STATES OF AMERICA. (TREPTEL, SAMANTHA) (Entered: 07/08/2011)
07/13/2011	<u>16</u>	ANSWER to <u>1</u> Complaint by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 07/13/2011)
07/14/2011	<u>17</u>	AMENDED COMPLAINT against defendants, filed by UNITED STATES OF AMERICA.(TREPTEL, SAMANTHA) (Entered: 07/14/2011)
07/14/2011	<u>18</u>	MOTION for Summary Judgment by UNITED STATES OF AMERICA. Responses due by 8/18/2011 (TREPTEL, SAMANTHA) (Entered: 07/14/2011)
07/14/2011	<u>19</u>	MEMORANDUM in support of re <u>18</u> MOTION for Summary Judgment by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31, # <u>33</u> Exhibit 32, # <u>34</u> Exhibit 33, # <u>35</u> Exhibit 34, # <u>36</u> Exhibit 35, # <u>37</u> Exhibit 36, # <u>38</u> Exhibit 37, # <u>39</u> Exhibit 38, # <u>40</u> Exhibit 39, # <u>41</u> Exhibit 40, # <u>42</u> Exhibit 41, # <u>43</u> Text of Proposed Order)(TREPTEL, SAMANTHA) Modified on 7/18/2011 to correct title of document (Taylor, Abby). (Entered: 07/14/2011)
07/20/2011	<u>20</u>	ANSWER to Amended Complaint by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 07/20/2011)
07/21/2011	<u>21</u>	RESPONSE in Opposition re <u>5</u> MOTION to Dismiss for Lack of Jurisdiction, <u>8</u> MOTION to Dismiss filed by UNITED STATES OF AMERICA. Replies due by 8/8/2011. (TREPTEL, SAMANTHA) (Entered: 07/21/2011)
07/28/2011	<u>22</u>	MOTION to Dismiss Amended Complaint by ALAMANCE COUNTY, NORTH CAROLINA. Responses due by 8/22/2011 (PIERCE, BENJAMIN) (Entered: 07/28/2011)
07/28/2011	<u>23</u>	BRIEF re <u>22</u> MOTION to Dismiss Amended Complaint. (Attachments: # <u>1</u> Exhibit Unpublished Decision: Capers v. Durham Co. Sheriff et al.)(PIERCE, BENJAMIN) (Entered: 07/28/2011)
07/29/2011	<u>24</u>	MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment by TERRY S. JOHNSON. (Attachments: # <u>1</u> Affidavit Rule 56(d), # <u>2</u> Text of Proposed Order)(KITCHEN, S.) (Entered: 07/29/2011)
07/29/2011	<u>25</u>	BRIEF re <u>24</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment. (KITCHEN, S.) (Entered: 07/29/2011)
08/01/2011		Motions Referred: <u>24</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment to MAG/JUDGE WALLACE W. DIXON- (Garrett, Kim) (Entered: 08/01/2011)
08/01/2011	<u>26</u>	ORDER signed by MAG/JUDGE WALLACE W. DIXON on 08/01/2011 granting <u>24</u> Motion for Extension of Time to File Response/Reply re <u>18</u> MOTION for Summary Judgment. IT IS THEREFORE ORDERED THAT the time for filing a response by the Defendant, Terry S. Johnson, to the Motion for Summary Judgment of the Plaintiff is extended until September 30, 2011. Responses due by 9/30/2011 (Taylor, Abby) (Entered: 08/01/2011)
08/02/2011	<u>27</u>	REPLY, filed by Defendant ALAMANCE COUNTY, NORTH CAROLINA, to Response to <u>8</u> MOTION to Dismiss Complaint filed by ALAMANCE COUNTY, NORTH CAROLINA. (PIERCE, BENJAMIN) (Entered: 08/02/2011)

08/09/2011	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment by ALAMANCE COUNTY, NORTH CAROLINA. (Attachments: # <u>1</u> Text of Proposed Order)(PIERCE, BENJAMIN) (Entered: 08/09/2011)
08/09/2011	<u>29</u>	BRIEF re <u>28</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment. (PIERCE, BENJAMIN) (Entered: 08/09/2011)
08/10/2011		Motions Referred: <u>28</u> MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Summary Judgment to MAG/JUDGE WALLACE W. DIXON- (Garrett, Kim) (Entered: 08/10/2011)
08/17/2011	<u>30</u>	ORDER signed by MAG/JUDGE WALLACE W. DIXON on 08/17/2011 granting <u>28</u> Motion for Extension of Time to File Response/Reply re <u>18</u> MOTION for Summary Judgment. Responses due by 9/30/2011 (Taylor, Abby) (Entered: 08/17/2011)
08/17/2011	<u>31</u>	RESPONSE in Opposition re <u>22</u> MOTION to Dismiss <i>Amended Complaint</i> filed by UNITED STATES OF AMERICA. Replies due by 8/31/2011. (TREPEL, SAMANTHA) (Entered: 08/17/2011)
08/18/2011	<u>32</u>	MOTION to Strike <i>Defendant Johnson's Jury Demand</i> by UNITED STATES OF AMERICA. Responses due by 9/8/2011 (TREPEL, SAMANTHA) (Entered: 08/18/2011)
08/18/2011	<u>33</u>	MEMORANDUM filed by Plaintiff UNITED STATES OF AMERICA re <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(TREPEL, SAMANTHA) (Entered: 08/18/2011)
08/24/2011	<u>34</u>	RESPONSE in Opposition re <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> filed by TERRY S. JOHNSON. Replies due by 9/7/2011. (Attachments: # <u>1</u> Exhibit Minnesota Lawyers Mutual v Batzli)(KITCHEN, S.) (Entered: 08/24/2011)
08/31/2011	<u>35</u>	REPLY, filed by Defendant ALAMANCE COUNTY, NORTH CAROLINA, to Response to <u>22</u> MOTION to Dismiss <i>Amended Complaint</i> filed by ALAMANCE COUNTY, NORTH CAROLINA. (PIERCE, BENJAMIN) (Entered: 08/31/2011)
09/06/2011	<u>36</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> filed by UNITED STATES OF AMERICA. (TREPEL, SAMANTHA) (Entered: 09/06/2011)
09/27/2011	<u>37</u>	RESPONSE in Opposition re <u>18</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON. Replies due by 10/14/2011. (Attachments: # <u>1</u> Exhibit Law Review Article)(KITCHEN, S.) (Entered: 09/27/2011)
09/27/2011	<u>38</u>	AFFIDAVIT in Opposition re <u>18</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON. Replies due by 10/14/2011. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15)(KITCHEN, S.) (Entered: 09/27/2011)
09/30/2011	<u>39</u>	ANSWER to <u>17</u> Amended Complaint with Jury Demand by ALAMANCE COUNTY, NORTH CAROLINA. (PIERCE, BENJAMIN) (Entered: 09/30/2011)
09/30/2011	<u>40</u>	RESPONSE in Opposition re <u>18</u> MOTION for Summary Judgment filed by ALAMANCE COUNTY, NORTH CAROLINA. Replies due by 10/17/2011. (PIERCE, BENJAMIN) (Entered: 09/30/2011)
10/13/2011	<u>41</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>18</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9)(TREPEL, SAMANTHA) (Entered: 10/13/2011)
10/13/2011	<u>42</u>	MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> by UNITED STATES OF AMERICA. Responses due by 11/7/2011 (Attachments: # <u>1</u> Text of Proposed Order)(TREPEL, SAMANTHA) (Entered: 10/13/2011)

10/13/2011	<u>43</u>	MEMORANDUM filed by Plaintiff UNITED STATES OF AMERICA re <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit Minnesota Lawyers Mut. Ins. Co. v. Batzli)(TREPTEL, SAMANTHA) (Entered: 10/13/2011)
10/18/2011	<u>44</u>	MOTION to Amend/Correct <u>41</u> Reply to Response to Motion, by UNITED STATES OF AMERICA. Responses due by 11/14/2011 (Attachments: # <u>1</u> Exhibit 1-Amended Reply)(TREPTEL, SAMANTHA) (Entered: 10/18/2011)
10/27/2011	<u>45</u>	RESPONSE re <u>44</u> MOTION to Amend/Correct <u>41</u> Reply to Response to Motion, filed by TERRY S. JOHNSON. Replies due by 11/14/2011. (KITCHEN, S.) (Entered: 10/27/2011)
11/02/2011		MAG/JUDGE L. PATRICK AULD added. MAG/JUDGE WALLACE W. DIXON no longer assigned to case. (Powell, Gloria) (Entered: 11/02/2011)
11/03/2011	<u>46</u>	RESPONSE in Opposition re <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> filed by ALAMANCE COUNTY, NORTH CAROLINA. Replies due by 11/21/2011. (PIERCE, BENJAMIN) (Entered: 11/03/2011)
11/08/2011	<u>47</u>	Notice to Parties RE: SO30. Responses due by 12/8/2011 (Winchester, Robin) (Entered: 11/08/2011)
11/18/2011	<u>48</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit 1)(TREPTEL, SAMANTHA) (Entered: 11/18/2011)
11/21/2011		Motions Referred: <u>5</u> MOTION to Dismiss for Lack of Jurisdiction, <u>18</u> MOTION for Summary Judgment, <u>44</u> MOTION to Amend/Correct <u>41</u> Reply to Response to Motion, <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> , <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> , <u>8</u> MOTION to Dismiss, <u>22</u> MOTION to Dismiss <i>Amended Complaint</i> to MAG/JUDGE L. PATRICK AULD- (Garrett, Kim) (Entered: 11/21/2011)
01/23/2012		Case Reassigned to JUDGE THOMAS D. SCHROEDER. UNASSIGNED no longer assigned to the case. (Powell, Gloria) (Entered: 01/23/2012)
02/13/2012		Case Reassigned to MAG/JUDGE JOI ELIZABETH PEAKE. MAG/JUDGE L. PATRICK AULD no longer assigned to the case. (Garrett, Kim) (Entered: 02/13/2012)
02/15/2012		Motions Referred: <u>5</u> MOTION to Dismiss for Lack of Jurisdiction, <u>18</u> MOTION for Summary Judgment, <u>44</u> MOTION to Amend/Correct <u>41</u> Reply to Response to Motion,, <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> , <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> , <u>8</u> MOTION to Dismiss, <u>22</u> MOTION to Dismiss <i>Amended Complaint</i> to MAG/JUDGE JOI ELIZABETH PEAKE- (Solomon, Dianne) (Entered: 02/15/2012)
02/23/2012	<u>49</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 02/23/2012. IT IS THEREFORE ORDERED that the Motion to Amend [Doc. # <u>44</u> ] is GRANTED. (Taylor, Abby) (Entered: 02/23/2012)
06/13/2012		NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENT(S) re 50 Notice of Change of Address. Filed in Error. Change of Address for Attorneys must be mailed to Clerk's Office and not filed electronically. (Taylor, Abby) (Entered: 06/13/2012)
07/24/2012		Motions Submitted: <u>18</u> MOTION for Summary Judgment, <u>42</u> MOTION to Strike <i>Defendant Alamance County's Jury Demand</i> , <u>32</u> MOTION to Strike <i>Defendant Johnson's Jury Demand</i> , <u>22</u> MOTION to Dismiss <i>Amended Complaint</i> to JUDGE THOMAS D. SCHROEDER- (Solomon, Dianne) (Entered: 07/24/2012)
09/17/2012		Telephone and/or Electronic Notice to/from Samantha Trepel, Esq., Clyde Albright, Esq., Benjamin Pierce, Esq. and S. C. Kitchen, Esq. held on 9/17/2012. Counsel notified Motion Hearing scheduled for 9/26/2012 09:30 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. Confirmation requested.(Solomon, Dianne) (Entered: 09/17/2012)

09/18/2012	<u>51</u>	Consent MOTION to Dismiss <i>Amended Complaint</i> by UNITED STATES OF AMERICA. Responses due by 10/12/2012 (TREPTEL, SAMANTHA) (Entered: 09/18/2012)
09/18/2012	<u>52</u>	MEMORANDUM filed by Plaintiff UNITED STATES OF AMERICA re <u>51</u> Consent MOTION to Dismiss <i>Amended Complaint</i> filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit)(TREPTEL, SAMANTHA) (Entered: 09/18/2012)
09/18/2012		Motions Submitted: <u>51</u> Consent MOTION to Dismiss <i>Amended Complaint</i> to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 09/18/2012)
09/18/2012	<u>53</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 09/18/2012. Based on the representations to the court and for good cause shown, <b>IT IS ORDERED</b> that the Motion is <b>GRANTED</b> , and this action is <b>DISMISSED WITH PREJUDICE</b> . (Taylor, Abby) (Entered: 09/18/2012)