## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

Michael Lowrey and Marilyn Lowrey	) Case No.: 06-13408 ) NGE-MKM
Plaintiffs	)
Beztak Properties, Inc.,Beztak Companies, Inc. Biltmore Properties Companies, Inc. Uptown Investors L.L.C.; Monogram Homes,	) Honorable: ;) NANCY G. EDMUNDS ) Magistrate Judge
Warner, Cantrell, & Padmos, Inc. Looney, Ricks, Kiss; and, Canton Township	) MONA MAZOUB )
Defendants . )	´.

## STIPULATED ORDER OF DISMISSAL WITH PREJUDICE AND WITHOUT COSTS OR ATTORNEY FEES AS TO CLAIMS AGAINST ONLY DEFENDANT CHARTER TOWNSHIP OF CANTON, MICHIGAN

At a session of Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on April 27, 2009

PRESENT: Nancy G. Edmunds

The Honorable Nancy G. Edmunds United States District Judge

This matter having c ome before the Court upon the stipulation of Plaint iffs Michael and Marilyn Lowrey, and Defendant the Charter Township of Canton, Michigan, and the Court being fully advised in the premises and finding thes e Parties' intentions to be just and equitable, IT IS HEREBY ORDERED that Plaintiffs Michael and Marilyn Lowrey's claims again st Defendant the Charter Township of Canton, Michigan only are dis missed with prejudice and each party shall bear its own costs and attorney's fees, except as set forth in the Settlement Agreement executed just prior to the entry of this Order..

IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the limited purposes of ensuring the Township makes prompt payment of the \$75,000.00 as set forth in the settlement agreement and promptly transmits all documents identified and marked for transmittal by Plaintiffs during the just-concluded document production at Township Hall, pur suant to the terms of the Settlement Agreement among the parties.

The Lowreys and the Township warrant, and the Court recognizes that this Order merely dismisses with prejudice the Township from the lawsuit; this Order does not resolve the last pending c laim and it does not close the case against any other Defendants, current or future.

## IT IS SO ORDERED.

s/Nancy G. Edmunds

G. Edmunds Nancy United

States District Judge

Dated: April 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 27, 2009, by electronic and/or ordinary mail.

> s/Carol A. Hemeyer Case Manager

## So stipulated:

/s/ Timothy L. Cronin (P26417) By: HEMMING, POLACZYK, CRONIN, SMITH, WITTHOFF & BENNETT, P.C. 217 W. Ann Arbor Road - Suite 302 Plymouth, MI 48170 Attorneys for Defendant Charter Township of Canton, Michigan By: /s/ J. Mark Finnegan (P68050) HEBERLE & FINNEGAN, PLLC 2580 Craig Road Ann Arbor, MI 48103 hffirm@comcast.net Attorneys for the Plaintiffs Lowrey