

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

BENJAMIN MATTERN,

Plaintiff,

STIPULATION OF DISMISSAL

v.

Civ Action No. 09 CV 6245

THE RECEIVABLE MANAGEMENT
SERVICES CORPORATION.

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys of record for all parties, that whereas no party hereto is an incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of this action, that all claims be, and the same hereby are, discontinued as against defendant, in their entirety, on the merits and with prejudice..

Dated: Buffalo, New York
October 3, 2009

LEMBERG & ASSOCIATES, LLC

DAMON & MOREY LLP

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SO ORDERED:

Hon. Jonathan W. Feldman, U.S.D.J.

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on October 9, 2009, I electronically filed the Stipulation of Dismissal with the Clerk of the District Court using the CM/ECF system, who sent notification of such filing to the following:

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