

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

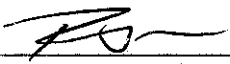
VICTOR S. MARTINI,	)	
	)	
Plaintiff,	)	
	)	No. 04-354E
vs.	)	
	)	Hon. Maurice B. Cohill, Jr.
PRESQUE ISLE CAPITAL MANAGEMENT,	)	Magistrate Judge Susan
INC. and JAMES H. THOMAS,	)	Paradise Baxter
	)	
Defendants.	)	

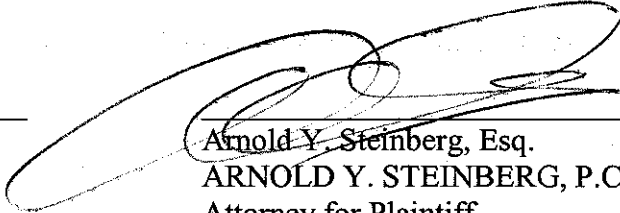
STIPULATION AND PROPOSED ORDER

NOW COMES the Parties, though undersigned counsel, who stipulate and agree that:

1. This action should be dismissed with prejudice as against Presque Isle Capital Management, Inc. and James H. Thomas pursuant to Fed. R. Civ. P. 41.
2. All parties will bear their own costs and fees.

*June 12, 2006*  
Dated: ~~May~~, 2006

  
 Robert L. Herskovits, Esq.  
 BACHNER & HERSKOVITS, P.C.  
 Attorney for Defendants\*  
 26 Broadway, Suite 2310  
 New York, NY 10004  
 (212) 344-7778  
 (212) 344-7774 – fax  
 rh@bhlawfirm.com – email

  
 Arnold Y. Steinberg, Esq.  
 ARNOLD Y. STEINBERG, P.C.  
 Attorney for Plaintiff  
 1420 Centre Avenue, # 1504  
 Pittsburgh, PA 15219  
 (412) 434-1190  
 (412) 434-1195 – fax  
 a5300@aol.com – email

\*Subject to *pro hac vice* admission

SO ORDERED:

\_\_\_\_\_  
Maurice B. Cohill, Jr.  
Senior United States District Judge

Dated: May \_\_\_\_, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on <sup>June 12, 2006</sup> ~~May~~ \_\_\_\_, 2006, I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court for the Western District of Pennsylvania, by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participant:

Robert L. Herskovits, Esq.  
Bachner & Herskovits, P.C.  
26 Broadway, Suite 2310  
New York, NY 10004

By: \_\_\_\_\_

  
Arnold Y. Steinberg