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

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| Civil Action No. 04-354 Erie |
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Order

AND NOW, to-wit, this ____/5 day of June, 2006, pursuant to the parties' consent motion, it is hereby ORDERED, ADJUDGED, and DECREED that pursuant to Fed.R.Civ.P. 41(a) this action is hereby dismissed with prejudice as against Defendants Presque Isle Capital Management, Inc. and James H. Thomas. All parties shall bear their own costs.

Maurice B. Cohill. Jr.

Senior United States District Judge

cc: counsel of record