

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

| | | |
|-------------------------------------|---|---|
| Matthew Seebachan and | § | |
| Marcia Seebachan, | § | |
| | § | |
| <i>Plaintiffs,</i> | § | |
| | § | |
| vs. | § | Civil Action No. 4:17-cv-00694-ALM |
| | § | |
| State Farm Mutual Automobile | § | |
| Insurance Company d/b/a State Farm, | § | |
| | § | |
| <i>Defendant.</i> | § | |

JOINT STIPULATION OF DISMISSAL

To the Honorable United States Judge of Said Court:

COME NOW, both Plaintiffs and Defendant, by and through undersigned counsel, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby stipulate to a dismissal of this action with prejudice.

I.

1. Plaintiffs now move to dismiss this suit with prejudice to re-filing.
2. Defendant, which has filed an Answer, agrees to the dismissal.
3. This case is not a class action, and a receiver has not been appointed.
4. This case is not governed by any federal statute that requires a court order for dismissal of the case.
5. This dismissal is with prejudice as to re-filing.
6. Each side is to bear its own costs and attorney's fees.

7. Pursuant to the terms of Rule 41(a)(1)(A)(ii), this case is dismissed with prejudice upon filing of this joint stipulation.

8. Accordingly, Plaintiffs and Defendant jointly stipulate the Court may dismiss with prejudice all claims that Plaintiffs asserted or could have asserted against Defendant in this lawsuit and that all costs of court incurred in connection with said causes of action are to be paid by the party incurring same.

Respectfully submitted,

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/s E. Todd Tracy

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Automobile Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2018, I caused to be electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s E. Todd Tracy

E. Todd Tracy

Andrew G. Counts

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ORDER

Pursuant to the Joint Stipulation of Plaintiffs and Defendant, and good cause appearing, the above captioned case is hereby dismissed with prejudice and each party will bear its own costs and attorney's fees.