

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN A. AVERY,

Plaintiff,

vs.

Case No.: 04-C-00986

MANITOWOC COUNTY,
THOMAS H. KOCOUREK,
and DENIS R. VOGEL,

Defendants.

ORDER FOR DISMISSAL

Based upon the Stipulation and Agreement for Dismissal of all parties on file herein,

IT IS HEREBY ORDERED that the plaintiff's claims and causes of action as against Manitowoc County, Thomas H. Kocourek, Denis R. Vogel, and their insurers, including primary and excess insurers, employees, officials, agents, servants or successors, are hereby dismissed on their merits, with prejudice and without costs, fees or disbursements.

IT IS FURTHER ORDERED that due to the pendency of lien claims for attorneys' fees and costs upon the proceeds of the settlement in this case that the parties request the Court to retain jurisdiction over this case pursuant to 28 U.S.C. sec. 1367 and 42 U.S. C. sec. 1988 and direct the issuance of an ORDER TO SHOW CAUSE concerning the disposition and/or apportionment of the 40% of the total amount of the settlement for attorneys' fees and costs, which shall be held pending disposition and/or apportionment without distribution in the account of Walter F. Kelly, S.C.

Dated this ____ day of February, 2006.

BY THE COURT:

Lynn Adelman
District Court Judge