

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>SHAWNEE TERMINAL RAILROAD CO. ) INC., et al., )  ) Plaintiffs, )  ) v. )  ) J.E. ESTES WOOD CO., INC., et al., )  ) Defendants. )</b>	)	<b>CIVIL ACTION NO. 09-00113-KD-N</b>
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**ORDER**

This matter is before the Court on the parties' notification that this case has settled.

Accordingly, it is hereby **ORDERED** that the above-styled action is **DISMISSED with prejudice** from the active docket of this Court subject to the right of any party to reinstate the action within **thirty (30) days** of the date of this Order should the settlement agreement not be consummated.

No other order shall be forthcoming from the Court except upon application by either party for final judgment as prescribed by Rule 58 of the Federal Rules of Civil Procedure.

Each party shall bear its own costs, expenses, and attorney fees according to the parties' settlement agreement.

**DONE and ORDERED** this the **3<sup>rd</sup>** day of **November 2011**.

/s/ Kristi K. DuBose \_\_\_\_\_  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**