

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HARVEST MEAT COMPANY,

Plaintiff,

v.

Case No. 05-2122-KGS

ROBERTS DAIRY COMPANY,

Defendant.

ORDER

This matter comes before the court upon defendant Roberts Dairy Company's Motion for Judgment as a Matter of Law (Doc. 74); defendant's Motion for New Trial (Doc. 79); and plaintiff Harvest Meat Company's Motion to Amend Judgment (Doc. 72); and plaintiff's Motion for Attorney Fees and Costs (Doc. 76).

On November 17, 2006, the parties notified the court via e-mail that this case has been settled. As a result, the court shall deny the above-referenced motions as moot and administratively close this case. Accordingly,

IT IS THEREFORE ORDERED that defendant Roberts Dairy Company's Motion for Judgment as a Matter of Law (Doc. 74); defendant's Motion for New Trial (Doc. 79); plaintiff Harvest Meat Company's Motion to Amend Judgment (Doc. 72); and plaintiff's Motion for Attorney Fees and Costs (Doc. 76) are hereby denied as moot.

IT IS FURTHER ORDERED that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the parties shall file a stipulation of dismissal on or before **December 29, 2006**. If no stipulation is received and the parties have not moved to reopen the case, this order shall constitute the court's entry of final judgment of dismissal with prejudice pursuant to Rule 41(a)(2).

IT IS SO ORDERED.

Dated this 29th day of November, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge