

**TRUSTEES OF THE PLUMBING AND
PIPEFITTING RETIREMENT FUND OF
KANSAS,
and
TRUSTEES OF THE PLUMBING AND
PIPEFITTING INDUSTRY HEALTH
AND WELFARE FUND OF KANSAS,**

Plaintiffs,

Vs.

LOCKARD, INC.,

Defendant.

LOCKARD, INC.,)
)
 Defendant.)
 _____)

NOW on this the 1st day of February, 2006, the above-captioned matter comes for hearing on the parties' joint motion to dismiss. The Plaintiffs, Trustees of the Plumbing and Pipefitting Retirement Fund of Kansas and Trustees of the Plumbing and Pipefitting Industry Health and Welfare Fund of Kansas, appear by and through counsel Douglas M. Weems of Spencer Fane Britt & Browne LLP. The Defendant, Lockard, Inc., appears by and through counsel Terry A. Iles of Frieden, Haynes & Forbes. There are no other appearances and none are required.

WHEREUPON, the Court, after hearing the statements of counsel, after reviewing the Court file and after being duly advised in the premises, finds as follows:

1. The parties have compromised and settled all claims for delinquent employee benefit fund contributions through September 2005 only.

2. The pending action should be and the same is hereby dismissed, with prejudice.
3. Each party shall be responsible for paying their own attorney's fees, litigation expenses and costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the parties joint motion to dismiss should be and is hereby granted in its entirety.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the entire matter is hereby dismissed, with prejudice.

IT IS SO ORDERED.

s/ Kathryn H. Vratil
Kathryn H. Vratil
UNITED STATES DISTRICT COURT JUDGE

Prepared and Approved by:

/s/ Terry A. Iles
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