

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.

STIPULATION FOR DISMISSAL

IT IS HEREBY STIPULATED and agreed by and between the plaintiff, Steven Avery, through his attorneys, Walter F. Kelly S.C., by Attorney Walter F. Kelly and Glynn Fitzgerald & Albee by Attorney Stephen M. Glynn, the defendants, Denis R. Vogel and Manitowoc County, through their attorneys, Boardman Suhr Curry & Field, LLP, by Attorney Claude J. Covelli, the defendants, Thomas H. Kocourek and Manitowoc County, through their attorneys, Crivello Carlson & Mentkowski S.C. by Raymond J. Pollen, the defendant Manitowoc County through its attorneys, Bascom, Budish & Ceman, S.C. by Attorney Timothy A. Bascom and Richard E. Ceman, Jr., the defendant, Thomas H. Kocourek, through his attorneys, Nash Spindler Grimstad & McCracken, by Attorney John Mayer, that the plaintiff's claims and causes of action as against Manitowoc County, Thomas H. Kocourek, and Denis R. Vogel, and their insurers, including primary and excess insurers, employees, officials, agents, servants or successors, may be dismissed on their merits, with prejudice and without costs, fees or disbursements.

IT IS FURTHER STIPULATED, 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.

WALTER F. KELLY, S.C.
Attorneys for plaintiff, Steven Avery

Dated: 02/13/06

BY: s/ Walter F. Kelly
WALTER F. KELLY
State Bar No.: 1012283

GLYNN FITZGERALD & ALBEE
Attorneys for plaintiff, Steven Avery

Dated: 02/13/06

BY: s/ Stephen M. Glynn
STEPHEN M. GLYNN
State Bar No.: 1013103

BOARDMAN, SUHR, CURRY & FIELD, LLP
Attorneys for defendants, Manitowoc County and
Denis R. Vogel

Dated: 02/09/06

BY: s/ Claude J. Covelli
CLAUDE J. COVELLI
State Bar No.: 1014833

CRIVELLO, CARLSON & MENTKOWSKI, S.C.
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Thomas H. Kocourek

Dated: 02/13/06

BY: s/ Raymond J. Pollen
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State Bar No.: 1001333

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Attorneys for defendant, Manitowoc County

Dated: 02/08/06

BY: s/ Richard E. Ceman, Jr.
TIMOTHY A. BASCOM
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RICHARD E. CEMAN, JR.
State Bar No: 1012072

NASH SPINDLER GRIMSTAD & McCRACKEN
Attorneys for defendant, Thomas H. Kocourek

Dated: 02/08/06

BY: s/ John Mayer
JOHN MAYER
State Bar No.: 1017384

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vs.

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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