

**ORIGINAL**

MAY 10 2002

LUTHER L. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

SUNTRUST BANK as Trustee of )  
the Stephens Mitchell Trusts f/b/o Eugene )  
Muse Mitchell and Joseph Reynolds Mitchell )

Plaintiff, )

v. )

HOUGHTON MIFFLIN COMPANY, )

Defendant. )

Civil Action File  
No. 1:01 CV-701-CAP

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

MAY 17 2002

LUTHER L. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

**CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE**

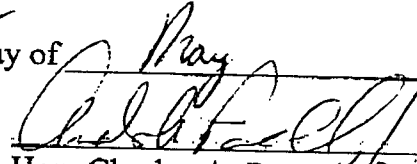
On consent of the parties, Plaintiff SunTrust Bank, as Trustee of the Stephens Mitchell trust f/b/o Eugene Muse Mitchell and Joseph Reynolds Mitchell ("Plaintiff") and Defendant Houghton Mifflin Company ("Defendant"), it is  
HEREBY ORDERED as follows:

1. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the above-styled action is dismissed without prejudice, each party to bear its own costs and expenses, including attorney's fees; and
2. Plaintiff having posted with the Clerk a cash bond in the amount of \$250,000 on April 23, 2001, and the parties having reached an

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agreement to settle this matter such that the cash bond may be returned to Plaintiff, the Clerk is hereby DIRECTED to release said cash deposit, together with any interest earned thereon, to Plaintiff upon entry of this Order.

SO ORDERED, this the 16<sup>th</sup> day of May, 2002.



Hon. Charles A. Pannell, Jr.  
United States District Judge

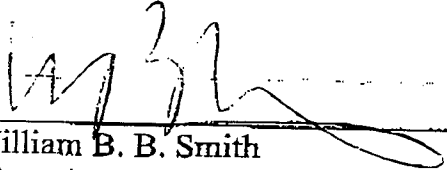
CONSENTED TO:

FOR PLAINTIFF:

FOR DEFENDANT

May 10, 2002.

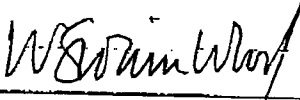
May 10, 2002.

  
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Ralph R. Morrison  
(Georgia Bar. No. 525145)  
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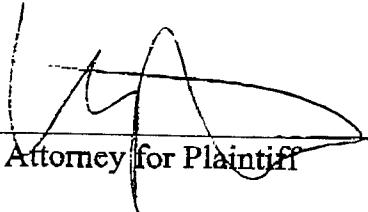
Attorneys for Plaintiff

  
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(404) 815 6500

**CERTIFICATE OF SERVICE**

This is to certify that I have this 10 day of May, 2002, caused a true and correct copy of the CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE to be deposited in a first-class, prepaid, U.S. Mail, addressed to counsel for Defendant as follows:

Miles J. Alexander, Esq.  
Jerre B. Swann, Esq.  
Joseph M. Beck, Esq.  
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An Attorney for Plaintiff