

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FORBA HOLDINGS, LLC,)
)
 Plaintiff,)
)
 v.) Civil Action No. 4:08-cv-00137-JHM-ERG
)
 DEBBIE HAGAN,)
)
 Defendant.)

**MOTION TO DISMISS WITHOUT PREJUDICE, WITH CONSENT INJUNCTION OF
NOVEMBER 17, 2008 (DOCKET NO. 11) TO REMAIN IN FULL FORCE AND EFFECT**

The plaintiff hereby moves, pursuant to Fed. R. Civ. P. 41(a)(2), to dismiss this action without prejudice, with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect.

In further support of this motion, the plaintiff submits herewith a supporting memorandum of law in accordance with LR 7.1(a) and a proposed order in accordance with LR 7.1(e).

Respectfully submitted,

/s/ Thor Y. Urness

Thor Y. Urness (admitted *pro hac vice*)
Jonathan D. Rose (Ky. Bar No. 88547)
BRADLEY ARANT BOULT CUMMINGS LLP
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P.O. Box 340025
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(615) 252-2384

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss Without Prejudice, With Consent Injunction of November 17, 2008 (Docket No. 11) To Remain In Full Force and Effect is being served on the following, via U.S. Mail, first class postage prepaid, on this the 13th of April, 2009:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness
Thor Y. Urness

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FORBA HOLDINGS, LLC,)
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 Plaintiff,)
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 v.) Civil Action No. 4:08-cv-00137-JHM-ERG
)
 DEBBIE HAGAN,)
)
 Defendant.)

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS WITHOUT PREJUDICE,
WITH CONSENT INJUNCTION OF NOVEMBER 17, 2008 (DOCKET NO. 11) TO
REMAIN IN FULL FORCE AND EFFECT**

The plaintiff respectfully submits this memorandum in support of its motion, filed pursuant to Fed. R. Civ. P. 41(a)(2), to dismissing this action without prejudice, with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect.

The plaintiff seeks to dismiss this action without prejudice, with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect. The Consent Injunction, by its own terms, specifically “permanently enjoin[s]” the defendant. Taking this action will not prejudice the defendant, who has already consented to permanent injunctive relief, and will help to “secure the just, speedy and inexpensive determination of [this] action and proceeding.” Fed. R. Civ. P. 1.

For the foregoing reasons, the plaintiff respectfully submits that its motion to dismiss this action without prejudice, with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect, should be granted.

Respectfully submitted,

/s/ Thor Y. Urness

Thor Y. Urness (admitted *pro hac vice*)
Jonathan D. Rose (Ky. Bar No. 88547)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, Tennessee 37203
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum In Support of Motion to Dismiss Without Prejudice, With Consent Injunction of November 17, 2008 (Docket No. 11) To Remain In Full Force and Effect is being served on the following, via U.S. Mail, first class postage prepaid, on this the 13th day of April, 2009:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness

Thor Y. Urness

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FORBA HOLDINGS, LLC,)
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 Plaintiff,)
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 v.) Civil Action No. 4:08-cv-00137-JHM-ERG
)
 DEBBIE HAGAN,)
)
 Defendant.)

**ORDER DISMISSING ACTION WITHOUT PREJUDICE, WITH CONSENT
INJUNCTION OF NOVEMBER 17, 2008 (DOCKET NO. 11) TO REMAIN IN FULL
FORCE AND EFFECT**

The plaintiff having moved, pursuant to Fed. R. Civ. P. 41(a)(2), for the dismissal without prejudice of this action, with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect, it is hereby ORDERED that this action is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2), with the Consent Injunction of November 17, 2008 (Docket No. 11) to remain in full force and effect.

It is so ORDERED.

United States District Judge

SUBMITTED FOR APPROVAL AND ENTRY BY:

/s/ Thor Y. Urness

Thor Y. Urness, Esq. (admitted *pro hac vice*)
Jonathan D. Rose, Esq. (Ky. Bar No. 88547)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, Tennessee 37203
(615) 252-2384

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order Dismissing Action Without Prejudice, With Consent Injunction of November 17, 2008 (Docket No. 11) To Remain In Full Force and Effect is being served on the following, via U.S. Mail, first class postage prepaid, on this the 13th day of April, 2009:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness
Thor Y. Urness