

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEECO MANUFACTURING CO., INC., a)
Washington corporation,)

Plaintiff,)

v.)

TRUE VALUE COMPANY, a Delaware)
corporation,)

Defendant and Third-Party Plaintiff,)

v.)

IMPERIAL SHEET METAL, LTD and)
IMPERIAL MANUFACTURING GROUP,)

Third-Party Defendants.)

Case No. CV6-1582 L

AGREED MOTION AND ORDER OF
DISMISSAL OF PLAINTIFF'S
CLAIMS

**NOTED FOR CONSIDERATION:
NOVEMBER 28, 2007**

AGREED MOTION

Pursuant to Fed. R. Civ. P. 54(b), plaintiff MEECO Manufacturing Co., Inc. and defendant True Value Company jointly move to dismiss all of MEECO's claims against True Value with prejudice without dismissing True Value's claims against third-party defendants Imperial Sheet Metal, Ltd. and Imperial Manufacturing Group (collectively "Imperial").

AGREED MOTION AND ORDER OF DISMISSAL OF
PLAINTIFF'S CLAIMS - 1

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LEGAL ARGUMENT

FRCP 54(b) allows for the entry of a final judgment with respect to less than all the claims and parties in an action “only if the court expressly determines that there is no just reason for delay.” The Ninth Circuit states that the appropriate focus for a court’s Rule 54(b) decision is, “severability and efficient judicial administration.” *Continental Airlines, Inc. v. Goodyear Tire & Rubber Co.*, 819 F.2d 1519, 1525 (9th Cir. 1987). The Ninth Circuit finds a Rule 54(b) final judgment proper where it serves the interests of fairness and justice. *See, e.g., Cadillac Fairview/California, Inc. v. United States*, 41 F.3d 562, 564 n. 1 (9th Cir. 1994).

Both MEECO and True Value stipulate that MEECO’s claims against True Value should be dismissed with prejudice. However, True Value has asserted third-party claims against Imperial, which are still at issue in this suit. Therefore, in the interest of fairness, justice, and efficient judicial economy, this Court should direct the entry of final judgment as to all of MEECO’s claims against True Value without dismissing True Value’s claims against Imperial.

DATED this 28th day of November, 2007.

LANE POWELL PC

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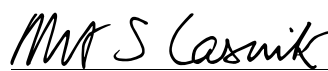
AGREED MOTION AND ORDER OF DISMISSAL OF
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ORDER

IT IS HEREBY ORDERED that based upon the motion of the parties set forth above, the Court hereby dismisses MEECO's claims against True Value, with prejudice pursuant to FRCP 54(b) and without an award of attorneys' fees or costs to any party. The Court directs the entry of final judgment as to all of MEECO's claims against True Value without dismissing True Value's claims against Imperial.

DATED: December 4, 2007


Robert S. Lasnik
United States District Judge