

that all costs and expenses, including attorneys' fees, shall be borne by the party that incurred them.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this action be dismissed with prejudice and all costs and expenses, including attorneys' fees, be borne by the party that incurred them.

Dated: September 3, 2008

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS
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LITEPANELS, INC.**

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule CV-7(H) and this motion is unopposed.

/s/ N. Claire Abernathy _____
N. Claire Abernathy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 3rd day of September, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ N. Claire Abernathy _____
N. Claire Abernathy