

INGHAM COUNTY CIRCUIT COURT
PO BOX 40771
LANSING, MI 48901

CLERKS' NOTICE
FILE NUMBER: 07-001519-ND-C30
JUDGE WILLIAM E COLLETTE

TRANS DEPT MI c/o PHILIP L. BLADEN
425 W OTTAWA FIRST FLOOR
LANSING, MI 48913

Official Circuit Court Notice

July 16, 2009

TRANS DEPT MI VS CAROLINA CASUALTY INS CO et al

NOTICE IS HEREBY GIVEN PURSUANT TO COURT RULE OF THE FILING OF THE FOLLOWING IN THIS CASE

STIPULATION AND ORDER FOR DISMISSAL W/PREJUDICE AND W/O COSTS; THIS ORDER RESOLVES THE LAST PENDING CLAIM AND CLOSES THE FILE (SIGNED 7/13/09 BY JUDGE WILLIAM E COLLETTE)

EAR,
DEPUTY CLERK OF THE COURT

RELEASE

WHEREAS, the State of Michigan Department of Transportation (hereinafter referred to as "MDOT") commenced a lawsuit against Carolina Casualty Insurance Company, Jebco Investment, LLC, and Fourteenth Avenue Cartage (hereinafter jointly referred to as "Carolina Casualty") seeking to recover damages to the Warren Avenue Bridge over I-94 in the City of Detroit, Michigan which were allegedly caused when a Freightliner Tractor and Trailer allegedly exceeded the height limitations provided for in MCL 257.719(1) striking the overpass, and

WHEREAS, the lawsuit commenced by MDOT against Carolina Casualty was filed with the Ingham County Circuit Case, Case No. 07-1519-ND, and assigned to the Honorable William E. Collette; and

WHEREAS, Carolina Casualty filed an Answer denying any and all liability to MDOT; and

WHEREAS, insofar as MDOT and Carolina Casualty compromised their differences and desire to settle all claims of MDOT against Carolina Casualty, their agents, servants and employees, MDOT agrees and stipulates as follows:

1. MDOT acknowledges receipt from Carolina Casualty of the sum of Fifty-Five Thousand and 00/100 (\$55,000.00) Dollars in consideration of which MDOT hereby compromises, settles and releases, for itself, its representatives, successors and assigns, any and all claims, demands, actions or causes of action, pleaded in the aforementioned lawsuit which is now pending in the Ingham County Circuit Court, Case Number 07-1519-ND, or which might have been pleaded thereon arising from or which were incurred on account of, directly or indirectly, from an accident occurring on October 26, 2006 on I-94 in the City of Detroit, County of Wayne, State of Michigan.

2. MDOT agrees that the aforesaid lawsuit shall be dismissed with prejudice and without attorney's fees and costs, and acknowledges that this full and complete settlement is intended by MDOT to compromise any claims of any kind and hereby releases and all claims against Carolina Casualty, their parents, subsidiaries, affiliates, shareholders, agents, attorneys, insureds, employees, successors and assigns, on account of any losses or damages, and MDOT fully acknowledges that the undersigned cannot hereafter sue Carolina Casualty, their parents, subsidiaries, affiliates, shareholders, agents, attorneys, insurers, employees, successors and assigns, on account of said damage for any reason.

3. MDOT represents and warrants that it is the sole owner of the claims being settled herein and it has not heretofore assigned or transferred, or purported to assign or transfer, to any person or entity any claim, demand, damage, debt, liability, obligation, account, cost, expense, lien, action or cause of action, or any part or portion thereof, involved or referred to herein.

IT IS FURTHER UNDERSTOOD that this settlement is in compromise of a disputed claim and that the payment is not to be construed as an admission of liability on the part of Carolina Casualty by whom liability is expressly denied.

The undersigned executed this Release after reading of same and upon advice of counsel.

SIGNED AND SEALED AND RECEIPT of the aforementioned sum is hereby acknowledged at LANSING, Michigan on the 1st day of ~~May~~ ^{July}, 2009.

WITNESSED

Thomas J. Scherer

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION

By:

Scott D. Goeman
SCOTT D. GOEMAN

Its: CONDEMNATION/LITIGATION SUPERVISOR