

STATE OF MICHIGAN

IN THE 58th DISTRICT COURT FOR THE COUNTY OF OTTAWA

SUSAN GISKA,
Plaintiff

v.

ELECTRIC PROPERTY, INC.,
Defendant



Case No. 17-60403-GC
Hon. Bradley Knoll

FILED
58TH DISTRICT COURT

JUN 17 2019

Jeffrey W. Buckman (P55970)
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Attorney for Defendant

BY _____

STIPULATED JUDGMENT AND ORDER

A. The parties to this action have previously engaged in mediation and settlement negotiations regarding the matter before the Court.

B. The parties now wish to resolve the pending matter by settlement agreement and entry of this stipulated judgment and order.

C. The parties engaged in disclosure of additional facts during the case proceedings, mediation, and negotiations. During those engagements, Defendant provided Plaintiff materials and further information regarding Plaintiff's software, website security procedures, coding, website design, and business marketing practices.

D. Following the parties' review of the documents and facts exchanged during the proceedings, the parties now wish to resolve this matter via MCR 2.116(A) and dismissal of claims with prejudice.

E. Based upon the materials and information exchanged among the parties, the parties agree and stipulate that there are insufficient facts to support a court finding of fraud by clear and convincing evidence in this instance perpetrated against Plaintiff by Electric Property, Inc.

F. The parties further agree and stipulate that the materials and information provided to Plaintiff by Defendant during the proceedings included facts not available to Plaintiff at the time Plaintiff filed with the Court Plaintiff's allegations of fraud. Accordingly, Plaintiff's fraud claims brought against Electric Property, Inc. were based on information and third-party advice then available to Plaintiff, all of which provided Plaintiff a reasonable and good faith basis for asserting such claims.

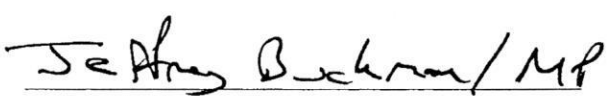
IT IS ORDERED that

1. Per the stipulation of facts above by the parties, the court enters judgement against Plaintiff's claim of fraud against Electric Property, Inc. in this action. The Court makes no award of damages, fees, costs, or interest between the parties associated with such judgement.

2. All further claims and counts of the parts are hereby dismissed in their entirety with prejudice and without fees, costs, or interest.

3. This order disposes of the last pending claim and closes the case.

STIPULATION OF COUNSEL FOR PARTIES



Jeffrey W. Buckman
(signed by Mark Powers with permission)
Attorney for Plaintiff




Mark A. Powers
Attorney for Defendant

Dated as of June 13, 2019

ORDER

So ordered this 19th day of June, 2019.



06/19/2019
5:57 PM

BRADLEY KNOLL - P28449 CHIEF DISTRICT COURT JUDGE
OTTAWA COUNTY - E-SIGNATURE

58th District Court, Ottawa County, Michigan