

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

No. 5:21-CV-251-BO

BERINGER COMMERCE, INC., d/b/a	)	
BLUE ACORN iCi,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FIN CAP, INC. d/b/a	)	
"BLUEACORN.CO," BLUE ACORN	)	
PPP, LLC, and BLUE OAK FOREST,	)	
LLC,	)	
	)	
Defendants.	)	

**STIPULATED DISMISSAL OF ALL
CLAIMS AND COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the undersigned parties hereby stipulate to dismissal with prejudice of all pending claims and counterclaims in the above-captioned action, with this Court retaining jurisdiction for purposes of enforcing the parties' settlement agreement. The parties further stipulate that each party shall bear its own fees and costs associated with this action.

Dated: April 11, 2022.

Respectfully submitted,

MICHAEL BEST & FRIEDRICH LLP

By: /s/ John C. Scheller
John C. Scheller
(WI State Bar No.1031247)
Kenneth M. Albridge III
(WI State Bar No. 1078384)
One South Pinckney Street, Suite 700
Madison, WI 53703
Telephone: 608.257.3501
Facsimile: 608.283.2275
jcscheller@michaelbest.com
kmalbridge@michaelbest.com

J. Ryan Gray
(N.C. State Bar No. 55152)
2501 Blue Ridge Road, Suite 390
Raleigh, NC 27607
Telephone: 984.220.8750
Facsimile: 877.398.5240
jrgray@michaelbest.com
Local Civil Rule 83.1(d) Counsel for
Plaintiff

Attorneys for Plaintiff

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Christopher J. Blake
Christopher J. Blake
N.C. State Bar No. 16933
chris.blake@nelsonmullins.com
D. Martin Warf
N.C. State Bar No. 32982
martin.warf@nelsonmullins.com
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
Phone: (919) 329-3800
Fax: (919) 329-3799

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing STIPULATED DISMISSAL OF ALL CLAIMS AND COUNTERCLAIMS has been filed with the Clerk for the United States District Court, Eastern District of North Carolina, using the electronic filing system of the Court. The electronic case filing system will send a “Notice of Electronic Filing” to all attorneys of record who have consented to accept service by electronic means.

This the 11th day of April, 2022.

/s/ John C. Scheller

John C. Scheller
Counsel for Plaintiff