

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
Case No. 12-2770**

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|--------------------------------|---|--|
| ANGELINA CIANFAGLIONE, |) | |
| Plaintiff/ Appellee, |) | Appeals from the United States District |
| Cross-Appellant, |) | Court for the Central District of Illinois |
| |) | |
| vs. |) | |
| |) | Case No. 2:10-cv-2170-MPM-DGB |
| TERRY ROGERS and |) | |
| DEE BURGIN |) | The Honorable Michael P. McCuskey |
| |) | |
| Defendants/ Appellants, |) | |
| Cross-Appellees, |) | |
| |) | |
| And |) | |
| |) | |
| BEVERLY WEGER, <i>et al.</i> , |) | |
| Defendants, |) | |
| Cross-Appellees. |) | |

AGREED MOTION FOR VOLUNTARY DISMISSAL

In accordance with discussions held under Federal Rule of Appellate Procedure 33, Defendants-Appellants Rogers and Burgin and Defendant- Cross Appellee Weger in Appeal No. 12-2770, and Plaintiff-Cross-Appellant Cianfaglione in Appeal No. 12-2864 move the Court to dismiss these appeals pursuant to Federal Rule of Appellate Procedure 42(b), each party to bear its own costs.

/s/ Jude Marie Redwood _____
Counsel for Angelina Cianfaglione

September 4, 2012 _____
Date

/s/Nathaniel M. Schmitz _____
Counsel for Terry Rogers, Dee Burgin, and
Beverly Weger

September 4, 2012 _____
Date

PROOF OF SERVICE

TO: Jude M. Redwood of Redwood Law Office
P.O. Box 864
St. Joseph, IL 61873
Phone (217) 469-9194
Fax (217) 469-8094
E-mail redwoodlaw42@hotmail

Nathaniel M. Schmitz of
TORRICELLI & LIMENTATO, P.C.
2504 Galen Drive, Suite 101
Champaign, IL 61821
Telephone: (217) 355-5510
Facsimile: (217) 355-5573
E-Mail: nschmitz@tlawfirm.com

The undersigned does hereby certify that a true and correct copy of the above and foregoing **AGREED MOTION FOR VOLUNTARY DISMISSAL** was served upon the person(s) named herein, at the address(es) set forth herein, via electronic mail and / or by enclosing the same in an envelope(s), properly addressed, with postage fully prepaid, and by depositing said envelope(s) in a U. S. Mail Box in Champaign, Illinois on the 4th day of September, 2012.

By: /s/ Nathaniel M. Schmitz
Nathaniel M. Schmitz

Prepared by:
Nathaniel M. Schmitz of
TORRICELLI & LIMENTATO, P.C.
Attorney Registration #: 6290697
2504 Galen Drive, Suite 101
Champaign, IL 61821
Telephone: (217) 355-5510
Facsimile: (217) 355-5573
E-Mail: nschmitz@tlawfirm.com

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

September 4, 2012

| | | |
|--|----|-------------------------------|
| ANGELINA CIANFAGLIONE, Plaintiff-Appellee, Cross-Appellant, | |] Appeals from the United |
| | |] States District Court for |
| | |] the Central District of |
| | |] Illinois. |
| Nos. 12-2770 and 12-2864 | v. |] No. 2:10-cvp02170-MPM-DGB |
| TERRY ROGERS and DEE BURGIN, Defendants-Appellants, Cross-Appellees, | |] Michael P. McCuskey, Judge. |
| | |] |
| and | |] |
| | |] |
| ROBERT WILSON, et al., Defendants, Cross-Appellees. | |] |

Upon consideration of the **AGREED MOTION FOR VOLUNTARY DISMISSAL**, filed on September 4, 2012, by counsel for the parties,

IT IS ORDERED that the appeals are **DISMISSED**, pursuant to Federal Rule of Appellate Procedure 42(b).

United States Court of Appeals for the Seventh Circuit

Settlement Conference Office
219 S. Dearborn Street - Room 1120
Chicago, Illinois 60604

Joel N. Shapiro
Senior Conference Attorney
joel_shapiro@ca7.uscourts.gov

Telephone: (312) 435-6883
Fax: (312) 435-6888
www.ca7.uscourts.gov

Rocco J. Spagna
Conference Attorney
rocco_spagna@ca7.uscourts.gov

Jillisa Brittan
Conference Attorney
jillisa_brittan@ca7.uscourts.gov

NOTICE OF RULE 33 CONFERENCE

August 2, 2012

Jude M. Redwood, Esq.
REDWOOD LAW OFFICE
P.O. Box 864
St. Joseph, IL 61873

Nathaniel M. Schmitz, Esq.
TORRICELLI & LIMENTATO, P.C.
Suite 101
2504 Galen Drive
Champaign, IL 61821

RE: ANGELINA CIANFAGLIONE v. TERRY ROGERS and DEE BURGIN - 12-2770

Dear Counsel:

Pursuant to Rule 33 of the Federal Rules of Appellate Procedure and Circuit Rule 33, an appellate settlement conference has been scheduled in this case. **The conference will be conducted by telephone on Tuesday, August 14, 2012, at 9:30 a.m. Central Time. The call will be initiated by this office.**

Each party must be represented at the conference by the lawyer or lawyers on whose judgment the party will primarily rely in making settlement decisions. **Clients as well as counsel are required to attend this conference.** (In the case of a corporation, association, or public body, "client" means an officer or employee having the fullest possible settlement discretion.) If a party is, or contends it is, insured for any of the claims at issue, an authorized representative of the insurer must also attend. Since Rule 33 conferences often exceed two hours in length, participants are to schedule no other activities for the remainder of the morning.

The conference is expected to take place at the scheduled date and time. It will not be rescheduled unless an indispensable participant has an immovable preexisting commitment of such importance that his or her attendance is impossible. You must notify the Settlement Conference Office of such a conflict immediately. The conference will not be rescheduled on short-notice.

At the conference, be prepared to discuss the case in depth – your client's goals and interests, the pivotal legal issues, the evidence of record, and the damages or other relief being sought. In advance of the conference, you are expected to provide your client with a copy of this notice and the accompanying information sheet, familiarize yourself and your client with conference procedures, help your client realistically assess his or her interests and the prospects of the case on appeal, and obtain as much settlement authority as feasible.

To encourage full and frank discussion, all communications during this conference, and all further communications, oral and written, during the course of Rule 33 proceedings, are strictly confidential. The content of Rule 33 communications is not to be disclosed to anyone other than the litigants and their counsel. Nothing said by the participants, including the conference attorney, will be placed in the record or disclosed by this office to the Court.

To enable counsel to devote their full attention to discussions of settlement, the briefing schedule will be extended. An order setting forth the new briefing schedule will follow under separate cover. The scheduling of a Rule 33 conference does not relieve the parties of their obligation to comply in a timely manner with all other court filing requirements. Until Rule 33 proceedings are concluded, counsel are directed to send the Settlement Conference Office copies of all papers they file with this Court.

We look forward to working with you and your clients.

The Settlement Conference Office

Stephanie Jackson,
Legal Assistant