

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF DELAWARE**

In re:)	
)	
)	Chapter 11
CD Liquidation Co., LLC et al f/k/a Cynergy Data LLC.)	Case No. 09-13038 (KG)
)	
Marcelo Paladini,)	
<i>Appellant,</i>)	
)	
v.)	
)	C.A. No. 13-00293 (LPS)
Moneris Solutions Inc. & BMO Harris Bank, N.A.,)	
)	
<i>Appellees.</i>)	
)	

STIPULATION OF DISMISSAL WITH PREJUDICE

COMES NOW Marcelo Paladini (the “Appellant”) and Moneris Solutions Inc. & BMO Harris Bank, N.A. (collectively, the “Appellees”), pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2) and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby stipulate and agree, subject to the approval of the Court, that the appeal pending in the above-captioned matter is hereby dismissed with prejudice, with the parties to bear their own costs for this appeal. The Clerk of the Court is hereby directed to close this appeal.

ELLIOTT GREENLEAF

/s/ Eric M. Suttty
 Eric M. Suttty (DSB# 4007)
 1105 N. Market Street, Suite 1700
 Wilmington, Delaware 19801
 Telephone: (302) 384-9400
 Facsimile: (302) 384-9399
 ems@elliottgreenleaf.com

-and-

DRINKER BIDDLE & REATH LLP

/s/ Howard A. Cohen
 Howard A. Cohen (DSB# 4082)
 1100 N. Market Street, Suite 1000
 Wilmington, Delaware 19801
 Telephone: (302) 467-4200
 Facsimile: (302) 467-4201
 howard.cohen@dbr.com

-and-



Stephen A. Aschettino
Naomi D. Johnson
ASCETTINO STRUHS LLP
1500 Broadway, 21st Floor
New York, NY 10036
Telephone: (212) 354-7600
Facsimile: (866) 260-5527

Counsel for Appellant

Alison D. Bauer
Christopher M. Caparelli
TORYS LLP
1114 Avenue of the Americas
23rd Floor
New York, NY 10036
Telephone: (212) 880-6000
Facsimile: (212) 682-0200

Counsel for Appellees

Dated: July 12, 2013

SO ORDERED, this ____ day of _____, 2013.

The Honorable Leonard P. Stark,
United States District Judge

CERTIFICATE OF SERVICE

I, Eric Suttty, hereby certify that I caused a copy of the *Stipulation of Dismissal with Prejudice* to be served via CM/ECF on all parties who have entered notice of appearance in this matter and upon the following parties in the matter indicated:

Via Hand Delivery

Joseph N. Argentina, Jr. Esquire
Howard Cohen, Esquire
Drinker Biddle & Reath LLP
1100 N. Market Street, Suite 1000
Wilmington, DE 19801

Via First Class U.S. Mail

Allison D. Bauer, Esquire
Christopher M. Caparelli, Esquire
TORYS LLP
1114 Avenue of the Americas, 23rd Floor
New York, NY 10036

/s/ Eric M. Suttty

Eric M. Suttty (No. 4007)