

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH IV

WINNEBAGO COUNTY

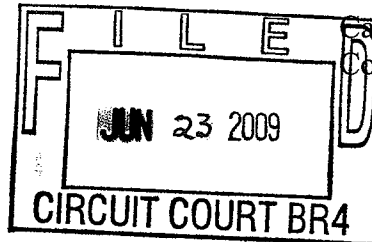
CARDINAL CONSTRUCTION CO., INC.

1183 Industrial Parkway
Fond du Lac WI 54937,
Plaintiff,

v.

TOWN OF CLAYTON

8358 County Road T
Larsen WI 54947,
Defendant.



Case No. 07-CV-1155
Code No. 30303

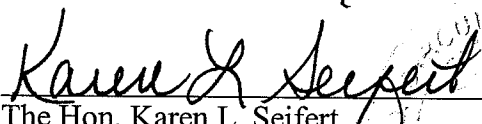
FINAL ORDER OF DISMISSAL

This action for breach of contract damages having been filed by Cardinal Construction Co., Inc., against the Town of Clayton on August 3, 2007; the Town of Clayton having previously filed an action (Case No. 07 CV 992, Winnebago County Circuit Court, Branch 2) seeking declaratory judgment that the contract between Cardinal Construction Co., Inc., and the Town of Clayton is invalid and unenforceable; the Court in Case No. 07 CV 992 having granted judgment in favor of the Town of Clayton that the contract is invalid and void with judgment entered on June 9, 2008; this Court having stayed this action pending an appeal of Case No 07 CV 992; the Court of Appeals having affirmed the judgment in *Town of Clayton v. Cardinal Construction*, 2009 WI APP 54; this Court again having stayed this action pending a petition for review; the petition for review having been denied; and the doctrines of issue preclusion and claim preclusion being a bar to litigating this action in this Court,

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action is dismissed with prejudice and without costs or further notice to either party.

Dated this 23 day of June, 2009.

BY THE COURT:


The Hon. Karen L. Seifert
Winnebago County Circuit Court, Br. IV

