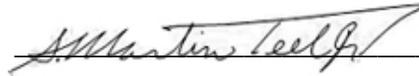


The decision below is hereby signed. Dated: October 23, 2006.




S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
ROBERTA AUSTIN,)	Case No. 05-02029
)	(Chapter 7)
Debtor.)	
_____)	
)	
ZOLLANVARI, LLC,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	05-10084
ROBERTA AUSTIN,)	
)	
Defendant.)	

DECISION RE STIPULATION OF DISMISSAL

The plaintiff has filed a Stipulation of Dismissal signed only by its counsel but agreeing to a dismissal with prejudice. Because the defendant has filed an answer, there is no right unilaterally to dismiss this adversary proceeding. The court will treat the Stipulation of Dismissal as instead a motion to dismiss with prejudice. There is, however, no reason to await a response to the motion. The defendant has asserted no counterclaim against the plaintiff, and, accordingly, the

defendant's only concern is with the plaintiff's claims. Because the plaintiff has agreed to dismiss those with prejudice, there appears to be no harm that can befall the defendant if the court grants the motion. (If there is some such harm, the defendant can move to vacate any order granting dismissal based on the assumption that there is no such harm.) An order follows dismissing the proceeding with prejudice.

[Signed above.]

Copies to: All counsel of record.