

Marguerite Lockard

ORIGINAL

From: Marguerite Lockard
Sent: Wednesday, October 25, 2006 1:11 PM
To: Kay Flynn; Hong Wang
Subject: RE: 4:06cv407-RH/WCS

I'll print this out and document number it.

From: Kay Flynn
Sent: Wednesday, October 25, 2006 11:32 AM
To: Hong Wang; Marguerite Lockard
Subject: FW: 4:06cv407-RH/WCS

FYI

From: David Smith
Sent: Wednesday, October 25, 2006 11:32 AM
To: Commission Suite; GCL - Attorneys; Beth Salak; David Dowds; Kay Flynn
Subject: FW: 4:06cv407-RH/WCS

Attached is Judge Hinkle's order of dismissal in FDN's federal court challenge to the Commission's decision approving an interconnection agreement for Embarq/FDN in Docket No. 041464-TP. This closes out FDN's pending federal court challenges involving the Commission and Embarq.

From: Angie_Maxwell@flnd.uscourts.gov [mailto:Angie_Maxwell@flnd.uscourts.gov]
Sent: Wednesday, October 25, 2006 11:20 AM
To: David Smith; jwahlen@ausley.com; jhelms@ausley.com; todd.pittenger@lowndes-law.com; msloan@crblaw.com
Subject: 4:06cv407-RH/WCS

Pacer is temporarily down. Therefore we must send orders and notice by other means. See attached order.

CMP _____
Thanks, Angie
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
OTH Marguerite

DOCUMENT NUMBER-DATE

09822 OCT 25 06

FPSC-COMMISSION CLERK

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA DIGITAL NETWORK, INC.,
etc.,

Plaintiff,

v.

CASE NO. 4:06cv407-RH/WCS

THE FLORIDA PUBLIC SERVICE
COMMISSION, et al.,

Defendants.

ORDER OF DISMISSAL

Plaintiff's consented motion for dismissal with prejudice (document 37) is GRANTED. The clerk shall enter judgment stating, "Pursuant to Federal Rule of Civil Procedure 41(a), this action is dismissed with prejudice." The clerk shall close the file.

SO ORDERED this 24th day of October, 2006.

s/Robert L. Hinkle
Chief United States District Judge

DOCUMENT NUMBER-DATE

09822 OCT 25 06

FPSC-COMMISSION CLERK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA DIGITAL NETWORK, INC.,

VS

CASE NO. 4:06cv407-RH/WCS

THE FLORIDA PUBLIC SERVICE
COMMISSION, et. al.,

JUDGMENT

Pursuant to Federal Rule of Civil Procedure 41(a), this action is dismissed with
prejudice.

WILLIAM M. McCOOL, CLERK OF COURT

October 25, 2006
DATE

s/ Angela Maxwell
Deputy Clerk: Angela Maxwell

Entered On Docket: _____ By: _____
Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP
Copies mailed to: _____

Document No.

DOCUMENT NUMBER-DATE

09822 OCT 25 08

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