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August 7, 2009

Magistrate Judge Franklin L. Noel
United States District Court for the District
of Minnesota
United States Courthouse
300 S. Fourth Street
Minneapolis, MN 55415

VIA CM-ECF

Re: *Bluescope Buildings North America, Inc. v. American Steel Span,
Inc., d/b/a Liberty Steel Buildings*
Court File No. 09-cv836 MJD/FLN

Dear Magistrate Judge Noel:

I am local counsel for Plaintiff Bluescope Buildings North America, Inc. in the above-referenced matter. The Complaint was filed on April 10, 2009, and the Summons was issued on that date as well. Since then the parties have been working on settlement of the case, and Bluescope agreed to refrain from serving the Summons and Complaint during the settlement negotiation process. In light of the negotiations, we have also held off on filing pro hac vice motions for our co-counsel in Missouri, David R. Barnard and R. Cameron Garrison.

According to my calculations, the 120 days to serve the Summons and Complaint allowed by Fed. R. Civ. P. 4(m) expires tomorrow, August 8, 2009. I am advised by Mr. Barnard that Plaintiff Bluescope has reached a tentative settlement with Defendant American Steel Span, but that settlement documents have not been finalized.

We expect to be able to file a Notice of Voluntary dismissal within the next thirty days, and we expect to do so on a with-prejudice basis.

Please advise if this does not meet with the Court's approval, and if there is something else we need to file in order to prevent the court's dismissal of the case under Rule 4(m).

Thank you for your time and attention to this matter.

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Very truly yours,

STICH, ANGELL, KREIDLER & DODGE, P.A.

/s Louise A. Behrendt

Louise A. Behrendt

LAB:lm

Cc David R. Barnard and R. Cameron Garrison