

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 02-12185  
\_\_\_\_\_

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
JULY 2, 2003  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 00-07629-CV-KMM

DONALD R. BUSE,

Plaintiff-Appellant,

versus

ROBERT J. KUECHENBERG,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court for the  
Southern District of Florida

\_\_\_\_\_  
**(July 2, 2003)**

Before CARNES, MARCUS and SUHRHEINRICH\*, Circuit Judges.

BY THE COURT:

The parties' "Joint Motion to Dismiss," which is construed as a joint motion to dismiss this appeal with prejudice, due to settlement, with the parties to bear

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\*Honorable Richard F. Suhrheinrich, United States Circuit Judge for the Sixth Circuit, sitting by designation.

their own costs and attorney's fees, is GRANTED.

The Clerk is directed to notify the Florida Supreme Court of the dismissal of this appeal.

This Court's prior opinion in the case, 325 F.3d 1249 (11th Cir. 2003), is VACATED.