

STATE OF NORTH CAROLINA

IN THE SUPERIOR COURT

POLK COUNTY

2007 AUG 27 PM 12:30

CIVIL DIVISION

PO BOX 6355

07-CVS-40

BY [Signature]

C. Burgess, ]

Plaintiff ]

vs. ]

American Express, et als ]

Defendants ]

DISMISSAL WITH PREJUDICE

-American Express, Inc.-

Plaintiff, pro se, takes a dismissal with prejudice as to American Express with each party to bear its own cost and American Express' motion for sanctions to be withdrawn.

This the 27<sup>th</sup> of August, 2007.

C. Burgess

POB 6355

Hendersonville, NC 28793



STATE OF NORTH CAROLINA

GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

NORTH CAROLINA BUSINESS COURT

Lori H. Whitcomb  
Judicial Assistant II  
lori.h.whitcomb@nccourts.org

FILED  
2007 SEP 11 PM 12:22  
832 East Fourth Street  
Suite 9600  
Charlotte, NC 28202  
Telephone: (704) 686-0144  
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September 6, 2007

Charlene T. Owens  
Polk County Courthouse  
PO Box 38  
Columbus, NC 28722

Re: *C. Burgess v. American Express Company, Inc., et al.*  
Polk County File Number: 07 CVS 40

Dear Ms. Owens:

Judge Diaz previously entered an order directing you not to close this file because of several sanction matters that were still unresolved. I have enclosed a copy of a Voluntary Dismissal with Prejudice as to American Express, Inc. and have also enclosed a letter from counsel for American Express informing us they will not seek the entry or award of any sanctions from the Plaintiff. Therefore, there is nothing further to be heard in this matter and the file may be closed.

Thank you for your assistance in this matter. Please contact me if you have any questions.

Sincerely,

Lori H. Whitcomb  
Judicial Assistant

Enclosure



ATTORNEYS AT LAW

Reply To  
JOHN E. SPAINHOUR  
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jspainhour@mgclaw.com  
CHARLOTTE

FILED  
2007 SEP 11 PM 12:22  
POLK COUNTY, N.C.S.G.

August 30, 2007

Honorable Albert Diaz  
North Carolina Business Court  
832 East Fourth Street, Suite 9600  
Charlotte, North Carolina 28202

RE: C. Burgess v. American Express Co., et al.  
07 CVS 40 (Polk)  
MGC File No.: 20359.07001

Dear Judge Diaz:

As I indicated in my previous correspondence to the Court, I forwarded a Settlement Agreement which required Plaintiff to file a dismissal which I believed he would sign. I have received the signed and notarized Settlement Agreement and Release from Plaintiff, along with a file-stamped Voluntary Dismissal with Prejudice as to my client American Express Co. I am simply writing to inform the Court that I have no intention of filing any further motions with the Court, and that I will not seek the entry or award of any sanctions from the Plaintiff in this matter. Should the Court need anything further from me, please feel free to contact me at any time. By copy of this letter, I am serving the same on Plaintiff.

With kind regards, I am

Very truly yours,

*John E. Spainhour*  
John E. Spainhour

JES/rls

cc: C. Burgess

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