

Partners – New Jersey, Inc.; Spring Air Partners – North America, Inc.; Spring Air Partners – Texas, Inc.; Spring Air West, LLC; and The Spring Air Company (together, the “Companies”), and defendant FXI Holdings, Inc. (f/k/a Foamex Innovations, Inc.) (“FXI”), to dismiss, with prejudice, the Trustee’s claims on behalf of the Companies and the Bankruptcy Estates against FXI in the above-captioned cases with each side bearing its own attorneys’ fees and costs.

The Court has considered the Stipulation, the record in the cases, and being otherwise advised, it is: Ordered and adjudged that the Stipulation for Dismissal, with prejudice, of the Trustee’s claims on behalf of the Companies and the Bankruptcy Estates against FXI in the above-captioned cases with each side bearing its own attorneys’ fees and costs, is Accepted.

Accordingly, it is:

Ordered and Adjudged that the claims in the above-captioned cases of the Trustee on behalf of the Companies and the Bankruptcy Estates against FXI are dismissed, with prejudice, with each side bearing its own attorneys’ fees and costs. The Court retains jurisdiction of this matter for purposes of enforcing the settlement between Plaintiffs and FXI. This Order of dismissal, with prejudice, is without prejudice to the Trustee’s claims on behalf of the Companies and the Bankruptcy Estates against any other Defendants or co-conspirators in the above-captioned cases.

Done and Ordered in Chambers in Toledo, Ohio this 11th
day of February, 2016

s/ Jack Zouhary
THE HONORABLE JACK ZOUHARY
United States District Judge