

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 98-3273

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Ad in the Hole International, Inc.,

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Appellee,

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v.

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Gerald H. Erickson; Dick Jacques,  
Individually and as Partners in the  
Hole West, a General Partnership,

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Appellants,

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Gerald H. Erickson; Dick Jacques,  
Individually and as Partners in the  
Hole West, a General Partnership,

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Appellants,

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v.

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Ric Dark; Dave Herbert; James White;  
Lee Platke; Stuart Berkowitz; Platke &  
Berkowitz; Fred Flegel; Lopata, Flegel,  
Hoffman & Company; Ad in the Hole  
International, Inc.,

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Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri

[UNPUBLISHED]

Submitted: March 5, 1999  
Filed: April 5, 1999

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

After a consent judgment was entered disposing of all remaining claims, Gerald H. Erickson and Dick Jacques, general partners in Ad in the Hole West (collectively West), appealed from the district court's<sup>1</sup> dismissal of their counterclaims alleging fraud and violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-68. Having carefully reviewed the record and the parties' submissions, we conclude that the district court did not err. Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

We also deny West's pending motion on appeal.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Thomas C. Mummert, III, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).