

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation,**

Plaintiff,

v.

**PERRETT CONSTRUCTION, LTD.,
a Nebraska corporation,**

Defendant.

CASE NO. 8:11CV138

**ORDER AND
FINAL JUDGMENT**

This matter is before the Court on the Plaintiff's Motion to Dismiss With Prejudice (Filing No. 52). Under Federal Rule of Civil Procedure 41(a)(2), the Court finds the motion should be granted and the action should be dismissed with prejudice. Each party will pay its own costs. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss With Prejudice (Filing No. 52) is granted;
2. This case is dismissed with prejudice;
3. All other pending motions are denied as moot; and
4. Each party will pay its own costs.

DATED this 27th day of June, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge