

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

RICHARD I. LOHR, II, as)
Administrator of the Estate)
of Charles David Fancher,)
Deceased,)
)
Plaintiff,)
)
v.)
)
JOSEPH EARL ZEHNER, III,)
et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:12cv533-MHT
(WO)

JUDGMENT

It is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The notice of dismissal (doc. no. 45) is treated as a motion to dismiss and said motion is granted.

(2) Defendant Union Pacific Corporation and the claims against it are dismissed without prejudice. Defendant Union Pacific Corporation is terminated as a party.

(3) Defendant Union Pacific Corporation's motion to dismiss (doc. no. 41) is denied as moot.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed.

DONE, this the 18th day of January, 2013.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE