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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kyle Hawkey, Plaintiff, vs. Christopher Parrett, Defendant.	No. CV 09-292-PHX-FJM **ORDER**

The court has before it the parties' Stipulation to Dismiss without Prejudice (doc. 35). The parties wish to submit to binding arbitration instead of trial, which is set for September 14, 2010.

The court held a status conference with counsel to understand why they would want the additional delay and expense of arbitration when they could simply try this case here. They have a defendant with few resources and potential insurance. They wish to avoid using expert witnesses. They think they can arbitrate in one day.

At all events, the court must accommodate them under Rule 41(a), Fed. R. Civ. P. However, because the court has already invested its resources in the case, we will direct that the claim will not be able to be filed again in the United States District Court for the District of Arizona. Accordingly,

IT IS ORDERED DISMISSING this action without prejudice. It is further

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ORDERED that the claim or claims in this case will not be again filed in the United States District Court for the District of Arizona.

DATED this 25th day of August, 2010.

Frederick J. Martone
United States District Judge