

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

HELENA CHEMICAL COMPANY

PLAINTIFF

vs.

NO. 2:07CV00043 BSM

ALLEN LOVELESS, ET AL.

DEFENDANTS

ORDER

Pending before the court is defendants' motion for leave of court to voluntarily dismiss their counterclaim. Plaintiff does not object but requests that the court enter final judgment in favor of plaintiff and against defendant in accordance with the court's order of August 29, 2008. In that order the court awarded plaintiff judgment in the amount of \$295,108.78 through February 18, 2008, with additional pre-judgment interest at the rate of \$47.81.

Accordingly, defendant's motion for leave of court for voluntary non-suit (Doc. No. 61) is granted. Plaintiff is directed to file its motion for attorney's fees and costs within ten calendar days. Upon determination of fees and costs to which plaintiff is entitled, a final judgment will be entered in favor of plaintiff and against defendants. Plaintiff's motion for summary judgment on defendants' counterclaim (Doc. No. 52) is denied as moot.

IT IS SO ORDERED this 19th day of November, 2008.



UNITED STATES DISTRICT JUDGE