

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

**JOHN PLUMMER and
DEZIRIE PLUMMER**

PLAINTIFFS

v.

No. 2:12-cv-192-DPM

**TEREX CORPORATION; TEREX USA, LLC;
TEREX UTILITIES, INC.; TEREX SOUTH
DAKOTA, INC., f/k/a TEREX-TELECT; MRT
MANUFACTURING, INC. d/b/a and t/a
FORESTRY EQUIPMENT OF VIRGINIA;
FORMERLY FORESTRY, INC.; GODBERSON-
SMITH CONSTRUCTION COMPANY, d/b/a
GOMACO CORPORATION; and JOHN DOES 1-10**

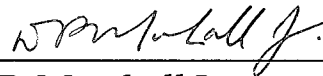
DEFENDANTS

ORDER

Godberson-Smith Construction Company moves for summary judgment because it is in the lawsuit only as the owner of a component-part manufacturer. *Document No. 32*. The papers reveal a miscommunication about the manufacturer's name; the parties assumed it was "Bobalee Hydraulics, Inc.," when the correct entity was "Bobalee, Inc." *Document No. 32, at 1*. The Plummers do not oppose dismissing the manufacturer's corporate owner. *Document No. 29, at 2-3*. The motion for summary

judgment, *Document No. 32*, is therefore granted. All claims against Godberson-Smith Construction Company are dismissed with prejudice. The Court applauds the parties' concise and collegial briefs.

So Ordered.



D.P. Marshall Jr.
United States District Judge

14 February 2013
