

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

**KENNETH D. STUART**

**PLAINTIFF**

**v.**

**3:08CV00186-WRW**

**STANDARD FIRE INSURANCE CO., INSURANCE  
NETWORK, INC., BANCORPSOUTH INSURANCE  
SERVICES, INC., and DAVID DAVIDSON**

**DEFENDANTS**

**ORDER**

Pending is Separate Defendant Insurance Network's Motion to Dismiss (Doc. No. 11).

Plaintiff has responded.<sup>1</sup>

Insurance Network seeks dismissal from the case because it "is not a viable, ongoing business entity which has any current employees, assets or liability insurance and was not at the time of any of the issues involved in this litigation."<sup>2</sup> However, as Plaintiff points out, Insurance Network fails to provide the Court with "sufficient evidence of its merger and consequent dissolution or assumption of assets and liabilities . . . ."<sup>3</sup> I agree with Plaintiff. Accordingly, Insurance Network's Motion to Dismiss is DENIED without prejudice.

IT IS SO ORDERED this 7<sup>th</sup> day of April, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 17.

<sup>2</sup>Doc. No. 11.

<sup>3</sup>Doc. No. 17.