

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

DIANA BRAAKSMA, individually,  
and as parent, natural guardian, and  
next best friend of JONATHAN DUSTIN  
BRAAKSMA

PLAINTIFFS

v.

Case No. 3:09-cv-48-DPM

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

ORDER

The Court dismissed this case without prejudice on the condition that Plaintiffs would pay Defendant (within thirty days of any refiling) certain costs and any attorney's fees incurred in this case that were sunk and lost by the nonsuit. *Document No. 34*. The Defendant later certified that it had lost \$2,011.00. The Court invited the Plaintiffs' response, advising that their silence would be construed as acceptance of the certified amount.

The Plaintiffs remained silent. Notwithstanding the Plaintiffs' concession, the Court has reviewed the Defendant's request to recover \$2,011.00 in lost costs and fees. The Court finds the amount to be reasonable

in the circumstances.

If Plaintiffs refile this case—in any state or federal court—then the Plaintiffs must pay \$2,011.00 to the Defendant within 30 days of any refiling. If Plaintiffs do not pay this amount within the time provided, the Defendant may move the Court to reduce this order to judgment forthwith and collect the certified amount from the Plaintiffs, including postjudgment interest and other relief the Court may properly award.

So Ordered.



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D.P. Marshall Jr.  
United States District Judge

5 Nov. 2010