

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

GREG MOODY

PLAINTIFF

V.

3:09CV00066-WRW

**FIREMAN'S FUND INSURANCE COMPANY
and CNH CAPITAL INSURANCE AGENCY, INC.**

DEFENDANTS

ORDER

Pending is Plaintiff's Motion to Dismiss Without Prejudice (Doc. No. 36) CNH Capital Insurance Agency, Inc. Plaintiff's counsel has learned since filing his amended complaint that CNH Capital America, LLC, is the proper party to this action, and not CNH Capital Insurance Agency, Inc. Defendants do not oppose the motion.

Plaintiff's Motion to Dismiss Without Prejudice (Doc. No. 36) is GRANTED.

Accordingly, Defendant CNH Capital Insurance Agency, Inc., is dismissed as a party to this case without prejudice.

IT IS SO ORDERED this 6th day of October 2010.

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