

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

RICKEY STRINGFELLOW,	*	
	*	
	*	
Plaintiff	*	
	*	
VS.	*	NO: 4:08CV00575 SWW
	*	
SOUTHFORK BAY DEVELOPMENT GROUP, LLC	*	
	*	
Defendant	*	

**ORDER**

Plaintiff Rickey Stringfellow (“Stringfellow”) brings this action pursuant to Title III of the Americans with Disabilities Act (“ADA”) against Carl and Kathleen Samuels, Southfork Bay Development Group, LLC (“Southfork”), and John Cunningham Enterprises. The complaint also names Horton Construction and Development, Inc. (“Horton”) as a defendant; however, Horton has not entered an appearance, and it appears that Horton has never been served a copy of the complaint and summons.

Before the Court is a joint stipulation of dismissal by Stringfellow and separate defendants Southfork, Carl Samuels, and Kathleen Samuels, requesting an order "dismissing Defendants Southfork . . . and Carl and Kathleen Samuels." Docket entry #50. The stipulation contains no information regarding claims against separate defendants John Cunningham Enterprises and Horton.

IT IS THEREFORE ORDERED that Plaintiff and separate defendants Southfork and Carl and Kathleen Samuels have up to and including five (5) days from the entry date of this order in which to file notice regarding the status of claims against separate defendants Horton

and John Cunningham Enterprises.<sup>1</sup>

IT IS SO ORDERED THIS 13<sup>TH</sup> DAY OF OCTOBER, 2011.

/s/Susan Webber Wright  
UNITED STATES DISTRICT COURT

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<sup>1</sup>Based on the parties' joint stipulation, it appears that Stringfellow's claim against John Cunningham Enterprises remains active but that separate defendants' cross claim against John Cunningham Enterprises is now moot. It also appears that Horton should be dismissed as a party pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.