

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

KENNITH McDOWELL, ROBERT \*  
MAULDING, GREGORY J. STICKNEY, \*  
LUTHER STRIPLING, RUDY KYLE, \*  
FRED DOLLAR, JAMES JOSLIN, and \*  
JAMES MILNER, \*

Plaintiffs, \*

vs. \*

No. 4:08cv003979 SWW

ELBERT PRICE, individually and as Trustee \*  
for Bud Price’s Excavating Service, Inc. \*  
Profit-Sharing Plan and for Price’s Utility \*  
Contractors, Inc. Retirement Plan; MARY \*  
RUTH PRICE, individually and as Trustee \*  
for Bud Price’s Excavating Service, Inc. \*  
Profit-Sharing Plan and for Price’s Utility \*  
Contractors, Inc. Retirement Plan; Bud Price’s \*  
Excavating Service, Inc. Profit-Sharing Plan; \*  
and Price’s Utility Contractors, Inc. \*  
Retirement Plan; Price’s Utility Contractors, \*  
Inc. as plan administrator for Price’s Utility \*  
Contractors, Inc. Retirement Plan and \*  
Bud Price’s Excavating Service, Inc. as plan \*  
Administrator of Bud Price’s Excavating \*  
Service, Inc. Profit-Sharing Plan, \*

Defendants. \*

ORDER

Plaintiffs’ appeal [doc.#293] of the Magistrate Judge’s April 16, 2010 Order [doc.#287], which ruled on a number of pending motions [doc.#’s 99, 126, 128, 133, 161, 201, 220, and 248], is denied. Plaintiffs are not precluded, however, from asserting their arguments in any dispositive motion or response thereto, or in an objection to any recommended disposition from

the Magistrate Judge (should that recommended disposition be adverse to plaintiffs either in whole or in part).

IT IS SO ORDERED this 29<sup>th</sup> day of April 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE