

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

**BRENDA DAVIS**

**PLAINTIFF**

**vs.**

**Case No. 4:09CV00242 BSM**

**SIMON PROPERTY GROUP, INC., D/B/A  
McCAIN MALL, McCAIN MALL GP, LLC,  
McCAIN MALL COMPANY  
LIMITED PARTNERSHIP,  
IPC INTERNATIONAL CORPORATION,  
JOHN AND JANE DOES 1-5**

**DEFENDANTS**

**ORDER**

Plaintiff Brenda Davis requests a voluntary non-suit pursuant to Federal Rule of Civil Procedure 41 (Doc. No. 37), and defendants object (Doc. No. 38) because they have filed motions for summary judgment. Davis's request is granted and her cause of action is hereby dismissed without prejudice. In the event that Davis re-files this case, she will have five days in which to respond to defendants' pending motions for summary judgment and those motions will be taken up thereafter.

Accordingly, the case is dismissed without prejudice.

IT IS SO ORDERED this 22nd day of June, 2010

  
UNITED STATES DISTRICT JUDGE