

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

CAROL P. KELLEY

PLAINTIFF

v.

CASE NO. 4:09-CV-00299 BSM

**REGIS CORPORATION, d/b/a
Smart Style Hair Salon; MARY
SENKBEIL; CARA COMER;
and AMY SADDLEFIELD**

DEFENDANTS

ORDER

Before the court are plaintiff Carol Kelly's motion for leave to amend complaint (Doc. No. 42) and motion to voluntarily drop unnecessary parties and claims (Doc. No. 43), defendant Cara Comer's motion to dismiss (Doc. No. 18), and defendant Mary Senkbeil's motion to dismiss (Doc. No. 20).

Kelly filed this action on April 22, 2009, and her motion to appoint counsel was granted on June 1, 2009. After conferring with appointed counsel, and in light of the pending motions to dismiss filed by defendants Comer and Senkbeil, Kelly requests that the court allow her to voluntarily dismiss defendants Comer and Senkbeil, as well as Amy Satterfield, incorrectly identified as Amy Saddlefield, as unnecessary parties. Kelly also requests that her claims of age discrimination pursuant to the Age Discrimination Employment Act and race discrimination pursuant to 42 U.S.C. § 1983 be dismissed. Kelly's motion to amend complaint incorporates the dismissal of these parties and claims. Defendants have no objection to either motion, and they are granted. Thus, the motions to dismiss filed by defendants Comer and Senkbeil are moot.

Accordingly, plaintiff's motion for leave to amend complaint (Doc. No. 42) is granted; plaintiff's motion to voluntarily drop unnecessary parties and claims (Doc. No. 43) is granted. Defendants Cara Comer, Mary Senkbeil, and Amy Satterfield are dismissed, and plaintiff's age discrimination claim pursuant to the Age Discrimination Employment Act and race discrimination claim pursuant to 42 U.S.C. § 1983 are dismissed. Defendant Cara Comer's motion to dismiss (Doc. No. 18), and defendant Mary Senkbeil's motion to dismiss (Doc. No. 20) are denied as moot.

IT IS SO ORDERED this 1st day of October, 2009.



UNITED STATES DISTRICT JUDGE