

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

DAVID SMITH, *et al.*

PLAINTIFFS

v.

No. 4:09CV00679 JLH

FRAC TECH SERVICES, LTD.

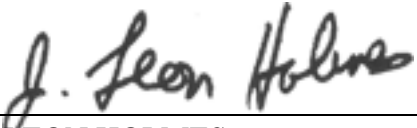
DEFENDANT

**ORDER**

The plaintiffs' motion for leave to file a fifth amended and substituted complaint is GRANTED. Document #196. Plaintiffs must file their fifth amended and substituted complaint within seven days from the entry of this order. Plaintiffs will delete paragraph 67 before filing the fifth amended and substituted complaint.

The motion for leave to amend is construed as a motion to dismiss without prejudice the following plaintiffs: Lincoln Sheedy, Brad Morton, James Fay, Adam Davenport, Chad Hardin, Taylor Oram, Jose Herrera, and Robert Holguin. The motion is granted, and the claims of those persons are dismissed without prejudice.

IT IS SO ORDERED this 2nd day of September, 2010.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE