

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

MARKIBA JOHNSON, RICK ABBOTT,  
TIMOTHY DEAL, JAMES HALL,  
JUAN LERMA, TREVOR POWELL,  
JIM BEELER, and MICHAEL HARRIS

PLAINTIFFS

v.

Case No. 4:09-cv-739-DPM

FRAC TECH SERVICES, LTD

DEFENDANT

ORDER

The Court appreciates the parties' attached notice that they have settled. Motions, *Document Nos. 202 & 211*, denied without prejudice as moot. The Court will not enter judgment at this point, and looks forward to a stipulation of dismissal with prejudice.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

  
\_\_\_\_\_

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**FAX COVER SHEET**

**TO: The Honorable D. Price Marshall, Jr.**

**FAX NO: 604-5417**

**FROM: John T. Holleman**

**DATE: July 27, 2011**

**RE: Markiba Johnson et al vs. Frac Tech Service, LTD  
U.S. District Court Case No. 4:09-CV-00739 DPM**

**PAGES: 3 (including cover sheet)**

**cc: Paul Hash - via facsimile: 214-520-2008  
Sarah Greenwood - via facsimile: 501-374-5906  
Mark S. Breeding - via facsimile: 501-374-5906  
Ashleigh Phillips - via facsimile: 501-374-5906**

**MESSAGE:**

**Please see the attached letter.**

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July 27, 2011

**Via Facsimile (501) 604-5417**

The Honorable D. Price Marshall, Jr.  
U.S. District Court  
500 W. Capitol Avenue  
Little Rock, AR 72201-3325

Re: *Markiba Johnson, et al vs. Frac Tech Service, LLC*  
U.S. District Court Case No. 4:09-CV-00739 DPM

Dear Judge Marshall:

As you know, there are two pending motions in this case currently before the Court; Plaintiffs' Motion for Liquidated Damages (Doc. 202), and Plaintiffs' Motion for Attorneys' Fees and Costs (Doc. 211). After the announcement of the verdict, this Court directed the parties to work together to negotiate a settlement of Plaintiffs' attorneys' fees. The initial negotiations were unsuccessful, and Defendant previously filed objections to both of these Motions.

However, on Monday, July 25, 2011, Mr. Paul Hash, of Jackson Lewis LLP, entered his appearance on behalf of Frac Tech in *Smith, et al. v. Frac Tech Services, LLC*, U.S.D.C. Case No. 4:09-CV-0679 JLH. In the process of negotiating a settlement of that matter, the parties were able to reach a settlement on all outstanding issues in this case as well.

We jointly ask the Court to refrain from entering final judgment allowing us to submit a stipulation of dismissal with prejudice and allowing the parties to enter into a private settlement agreement.

**HOLLEMAN & ASSOCIATE, P.A.  
ATTORNEYS AT LAW**

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Sincerely,

HOLLEMAN & ASSOCIATES, P.A.

John Holleman

cc: Mr. Paul Hash, Via Facsimile  
Ms. Sarah Greenwood, Via Facsimile  
Mr. Mark Breeding, Via Facsimile  
Ms. Ashleigh Phillips, Via Facsimile