

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

OAKS BROTHERS

PLAINTIFF

v.

4:10CV00230-BRW

GERDAU AMERISTEEL, US INC.

DEFENDANT

GERDAU AMERISTEEL, US INC.

THIRD PARTY PLAINTIFF

v.

**BILLY COOPER STONE COMPANY
D/B/A COOPER STONE CORPORATION**

THIRD PARTY DEFENDANT

ORDER

Pending is Plaintiff's Motion to Dismiss Claim (Doc. No. 15). Plaintiff seeks to proceed based solely on its breach of contract claims, and seeks dismissal of its negligence claim.

Plaintiff's Motion to Dismiss Claim is GRANTED.

Accordingly, Plaintiff's claim that Defendant Gerdau Ameristeel, US Inc., caused injuries to Plaintiff through its negligent acts or omissions is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 3rd day of February, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE