

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

ARKANSAS RESTAURANT  
GROUP, LLC; MAUMELLE FOODS,  
LLC; SHERWOOD FOODS, LLC; and  
JACKSONVILLE FOODS, LLC

PLAINTIFFS

v.

Case No. 4:10-cv-1690-DPM

ETRG INVESTMENTS, LLC;  
DAN T. TOMLIN; and MARK A.  
SCOTT

DEFENDANTS

ORDER

With the benefit of Plaintiffs' response, *Document No. 29*, the Court now appreciates the preclusion issues that might be created by a dismissal without prejudice. The Court concludes that the case should be, and hereby is, administratively terminated. The parties can proceed with arbitration, or not; and if they do and need the Court's involvement, then the case can be reactivated on motion of any party for good cause. If no such motion is filed by 31 December 2012, then this Order will ripen into an involuntary dismissal without prejudice for failure to prosecute. FED. R. CIV. P. 41(b). That dismissal would not be a second voluntary nonsuit; and it would be without

prejudice to Plaintiffs' right to arbitrate this dispute or to their right to seek judicial relief related to the arbitration.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

10 May 2011