

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

B&H CONSTRUCTION, INC.

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Plaintiff

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V.

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NO: 4:11CV00075 SWW

JACKIE A. BURKE

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Defendant

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JACKIE A. BURKE

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Counter Claimant

*

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V.

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B&H CONSTRUCTION, INC.

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Counter Defendant

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ORDER

Before the Court is Defendant-Counter Claimant Jackie A. Burke’s motion to voluntarily dismiss Count I and Count III of his Counterclaim. Burke states that he intends to proceed only with Count II of his Counterclaim, a breach of contract claim. Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the motion (docket entry #18) is GRANTED. Counts I and III of the Counterclaim are DISMISSED WITHOUT PREJUDICE, and Count II remains.

IT IS SO ORDERED THIS 17TH DAY OF OCTOBER, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE