

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

**WILLIAM D CERBE, et al.,**

**PLAINTIFFS**

**v.**

**4:11-CV-00288-BRW**

**PACCAR LEASING CORPORATION, et al.,**

**DEFENDANTS**

**ORDER**

Pending is the Joint Motion to Dismiss filed by Plaintiffs and Defendants (Doc. No. 40). The Motion is GRANTED and this case is DISMISSED without prejudice.

The parties have agreed that they will pursue litigation of this matter by consolidating any action that is presently pending in this Court with the action that is currently filed in the Circuit Court of Crittenden County, Arkansas, styled as *American Family Insurance Group, a Subrogee of William D. Cerbe v. Taylor Ingram and Cooper Leasing, Inc.*, Case No. CV-2010-734. Furthermore, the parties have represented to the Court that no party will assert that this dismissal without prejudice will be considered or construed to be Plaintiffs' one time dismissal as of right under either the Federal Rules of Civil Procedure or the Arkansas Rules of Civil Procedure.

IT IS SO ORDERED this 13<sup>th</sup> day of December, 2011.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE