

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

BRENDA DAVIS

PLAINTIFF

v.

No. 4:11CV00506 JLH

SIMON PROPERTY GROUP, INC., d/b/a
McCain Mall; MCCAIN MALL GP, LLC;
MCCAIN MALL COMPANY LIMITED
PARTNERSHIP; IPC INTERNATIONAL
CORPORATION; and JOHN AND JANE DOES 1-5

DEFENDANTS

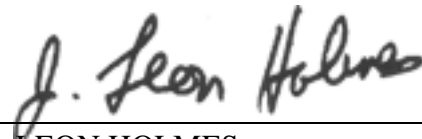
ORDER

Brenda Davis previously commenced an action against Simon Property Group, Inc., McCain Mall GP, LLC, McCain Mall Company Limited Partnership, and IPC International Corporation in case No. 4:09CV00242 BSM. Davis filed a motion for voluntary nonsuit, which was granted by the Honorable Brian S. Miller on June 22, 2010. Davis has now refiled the action. Davis did not, however, comply with General Order No. 39(b)(1) which provides:

Voluntary Nonsuit. When the plaintiff takes a voluntary nonsuit in a case and subsequently refiles that same case, the clerk will assign it to the judge who handled it at the time of the entry of the nonsuit order. The refiled complaint shall contain a brief paragraph identifying, by style and case number, the former proceedings in which the voluntary nonsuit was entered and the name of the judge handling the case when the voluntary nonsuit order was entered.

Davis should have included a paragraph in her new complaint describing by style and case number the former proceedings and the name of the judge handling the case when the voluntary nonsuit order was entered so that the Clerk could assign it to the judge who handled the original case. Because she failed to do so, the Clerk was unaware that this matter should have been directly assigned to Judge Miller. Because this case should have been directly assigned to Judge Miller, the Court is ordering the Clerk to reassign the case to Judge Miller pursuant to General Order No. 39(b)(1).

IT IS SO ORDERED this 29th day of June, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large initial "J" and "H".

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE