

**IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CORY NIXON, *et al.*

PLAINTIFFS

v.

Case No. 4:11-cv-0578-KGB

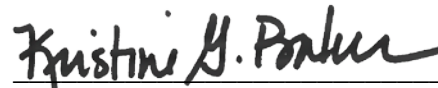
COSTNER EXCAVATING, INC., *et al.*

DEFENDANTS

ORDER

Before the Court is separate plaintiff Lenny Wallace's motion for voluntary nonsuit (Dkt No. 134). Defendants previously filed a separate motion to dismiss opt-in plaintiff Mr. Wallace's claims (Dkt. No. 128). Mr. Wallace moves to dismiss without prejudice his pending claims against all defendants. Mr. Wallace's motion for voluntary nonsuit is hereby granted (Dkt. No. 134). Mr. Wallace's claims against all defendants are dismissed without prejudice. Defendants' motion to dismiss opt-in plaintiff Mr. Wallace's claims is denied as moot (Dkt. No. 128).

SO ORDERED this 19th day of March, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE