

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

JUAN McCLENDON

Plaintiff

V.

SADDLE PEAK LLC, d/b/a  
HARDEE'S RESTAURANT

Defendant

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NO: 4:15CV00651 SWW

**ORDER**

Before the Court is Plaintiff's motion for voluntary dismissal [ECF No. 26] and Defendant's response [ECF No. 29]. Prior to Plaintiff's motion for voluntary dismissal, Defendant filed a motion for summary judgment. Given the procedural posture of the case, Defendant requests that the Court order that Plaintiff pay reasonable costs and attorney's fees if the case is refiled.

IT IS THEREFORE ORDERED that Plaintiff's motion for voluntary dismissal [ECF No. 26] is GRANTED, **on the condition that if this matter is refiled, Plaintiff shall reimburse Defendant for any duplicative expenses--that is, any costs or fees that Defendant has incurred in this action that will be incurred again because of the refiling.**

IT IS SO ORDERED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2016.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE