

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

**CAROLYN LARRY and
DENNIS LARRY**

PLAINTIFFS

v.

Case No. 4:16-cv-00097-KGB

IOC-LULA, INC.

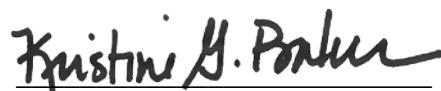
DEFENDANT

ORDER

Before the Court is the parties' joint stipulation for dismissal without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure (Dkt. No. 24). The parties jointly request that this Court dismiss without prejudice plaintiffs Carolyn Larry and Dennis Larry's complaint. The stipulation provides that "[i]f plaintiffs refile this lawsuit, it shall be refiled in this Court" at no cost or expense to the plaintiffs (*Id.*, ¶¶ 1, 2). Alternatively, the stipulation provides that if the Larrys should refile the action in a different court, then "defendant shall be entitled to recover costs and expenses occasioned by the refiling in a different court" (*Id.* ¶ 2). In the event of such a refiling, "the costs and expenses shall be treated as a cost imposed upon refiling" (*Id.*).

For good cause shown, the Court adopts the joint stipulation (Dkt. No. 24). The action is dismissed with prejudice. The Court denies as moot defendant IOC-Lula Inc.'s pending motion *in limine* (Dkt. No. 17).

It is so ordered this the 1st day of June, 2017.



Kristine G. Baker
United States District Judge