

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
500 W. CAPITOL, ROOM D444
LITTLE ROCK, ARKANSAS 72201-3325
(501) 604-5140
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December 10, 2009

Mr. John Kirkland Sammons
Mr. John G. Zgourides
Mr. Kenneth B. Fenelon, Jr.
Sammons & Associates, P.C.
440 Louisiana Street
Houston, TX 77002

Re: *Phillip Thomas v. Union Pacific Railroad Company* -- 5:08-CV-00287-WRW

Dear Counsel:

I have received Defendant's Motion for Partial Summary Judgment, which was filed on November 25, 2009, and the motion appears to be well taken.

I assume that since you have not filed a response,¹ you agree with Defendant's position. If you choose not to respond by 12:00 noon on Thursday, December 17, 2009, I will grant the motion.

Cordially,

/s/ Wm. R. Wilson, Jr.

Original to the Clerk of the Court
cc: Other Counsel of Record

¹The response was due on Wednesday, December 9, 2009.