

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

EUGENE FLETCHER, ET AL.

PLAINTIFFS

v.

CASE NO. 5:09CV00030 BSM

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

**ORDER**

Pending before the court is defendant's motion to dismiss. Defendant states that plaintiffs failed to properly serve defendant. Plaintiffs have responded and state that they have cured the improper service by serving the correct agent for service.

Accordingly, the motion to dismiss [Doc. No. 6] is denied as moot.

IT IS SO ORDERED this 11<sup>th</sup> day of May, 2009.

  
UNITED STATES DISTRICT JUDGE