

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

JOHN KNIGHT,

Plaintiff,

vs.

No. 5:10cv00197 SWW

S&L FARMS, INC., LONG LAKE
IRRIGATION, INC., DEUTZ
CORPORATION, ABBOTT SUPPLY CO.,
INC. and RANDY KENUARD d/b/a
R&K WELDING & MACHINE SHOP,

Defendants.

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ORDER

Plaintiff John Knight brings this negligence and products liability action against defendants S&L Farms, Inc. (“S&L”), Long Lake Irrigation, Inc. (“Long Lake”), Deutz Corporation (“Deutz”), Abbott Supply Co., Inc. (“Abbott”), and Randy Kenuard d/b/a R&K Welding & Machine Shop (“R&K”), based on injuries he suffered on August 31, 2006, while performing maintenance on farm machinery. Plaintiff filed this action in the Circuit Court of Lincoln County, Arkansas but Deutz removed the action to this Court on July 6, 2010. By Memorandum and Order entered August 30, 2010 [doc.#24], the Court granted the motion of Deutz to dismiss for lack of service. As the state court had dismissed dismissed S&L prior to removal to this Court, the only remaining defendants were Long Lake, Abbott, and R&K. Because the record did not reflect that these defendants have been served, plaintiff was given fifteen (15) days from the date of entry of the Memorandum and Order, which as previously noted was August 30, 2010, in which to file proof of timely service on Long Lake, Abbott, and R&K; otherwise, noted the Court, this action will be dismissed as to those defendants for which

proof of timely service has not been shown. Plaintiff has not filed proof of timely service on Long Lake, Abbott, and/or R&K, and the time for doing so has passed. As all other defendants have been dismissed, this action is hereby dismissed with prejudice, the statute of limitations having run as to all defendants thus rendering plaintiff's complaint time-barred. *Kangas v. Neely*, 346 Ark. 334, 57 S.W.3d 694 (2001).

IT IS SO ORDERED this 16th day of September 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE