

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

LESLIE MONTGOMERY

PLAINTIFF

VS.

NO. 5:11CV00288 JMM

**KYLE HAVNER, KATHY HAVNER,
HAVNER LAW FIRM PA**

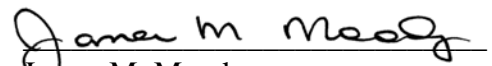
DEFENDANTS

ORDER

Plaintiff has filed a motion to dismiss and an amended motion to dismiss Counts I and II of her Complaint. Defendants have not responded to the motions. The Court finds that Plaintiff's motions (Docket # 13 and 14) should be, and hereby are, GRANTED. The Court notes that Plaintiff's right to re-file the claims against the Defendants is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiff may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiff re-files the claims against the Defendants.

The motions to dismiss (Docket # 13 and 14) are GRANTED. Plaintiff's claim under the FLSA remains.

IT IS SO ORDERED this 10th day of February, 2012.


James M. Moody
United States District Judge