

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

THE TERMINIX INTERNATIONAL
COMPANY, L.P.; and TERMINIX
INTERNATIONAL, INC., *et al.*

PLAINTIFFS

V.

CASE NO. 1:05-CV-01065

GLENN CRISEL; and SHARON
REED-CRISEL

DEFENDANTS

ORDER

Before the Court is Plaintiffs' ("Terminix") Motion to Voluntarily Dismiss. (ECF No. 68). Defendants have filed a response. (ECF No. 69). The Court finds this matter ripe for consideration.

On July 29, 2005, Terminix filed this action requesting that the Court compel Defendants' claims to arbitration and stay the underlying state court action. *Glenn Crisel and Sharon Reed-Crisel v. The Terminix International, Inc., et al.*, Circuit Court of Union County, Arkansas, Case No. CV-2-5-0264-4. Defendants maintained that the agreement to arbitrate was unenforceable due to unconscionability. Defendants' unconscionability arguments related to the arbitration fees and expenses. The Court stayed this action pending the completion of discovery in the state court action. (ECF No. 44 & 56). Specifically, the Court stayed the action to allow Defendants the opportunity to obtain discovery relating to the alleged unconscionability of the arbitration agreement.

Terminix states that it no longer seeks to resolve this matter through arbitration and requests that this action be dismissed. Defendants argue that the dismissal should only be

allowed on two conditions: (1) that Terminix turn over the arbitration-related discovery that has been ordered in the state court action and (2) that the dismissal be with prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court finds that the motion should be and hereby is **GRANTED**. Because the dismissal of this Petition to Compel Arbitration renders any arbitration-related discovery moot, the Court declines to condition the dismissal on Terminix's production of discovery. Terminix assures the Court that it will not make any further attempts to compel the arbitration of Defendants' claims (ECF No. 70, p. 9) and states that it does not object to a dismissal with prejudice. Accordingly, this action is hereby **DISMISED WITH PREJUDICE**.¹

IT IS SO ORDERED, this 14th day of August, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

¹ Per Terminix's request, the Court notes that this dismissal with prejudice should not be construed as an adjudication of the merits of Terminix's Petition to Compel Arbitration.