

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

VICKIE BELL, PHILLIP B. BELL, JR.
and JONATHAN BELL

PLAINTIFFS

VS.

CASE NO. 1:13-CV-01075

MINE SAFETY APPLIANCES
COMPANY, et al.

DEFENDANTS

ORDER

Before the Court is Plaintiffs' Motion to Dismiss Without Prejudice Separate Defendant Clemco Industries, Inc. ("Clemco"). (ECF No. 34). Plaintiffs no longer wish to pursue their claims against Clemco. They ask that Clemco be dismissed without prejudice and each party be responsible for its own costs. Clemco has not responded and the time for doing so has expired.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Court finds that Plaintiffs' claims against Clemco should be and hereby are **DISMISSED WITHOUT PREJUDICE**. Clemco remains a party to this action because Defendant Mine Safety Appliances Company has asserted a cross-claim against Clemco.

IT IS SO ORDERED, this 3rd day of April, 2015.

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