

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

GAMBLER WELL SERVICES, INC.

PLAINTIFF

v.

Case No. 1:14-cv-1068

ATLANTIC SPECIALTY
INSURANCE COMPANY

DEFENDANT

ATLANTIC SPECIALTY
INSURANCE COMPANY

THIRD-PARTY PLAINTIFF

v.

WHECO CORPORATION;
ENGLE MARTIN & ASSOCIATES, INC.

THIRD-PARTY DEFENDANTS

ORDER

Before the Court is the Motion to Dismiss (ECF No. 66) and the Stipulation of Dismissal (ECF No. 68) filed by Third-Party Plaintiff Atlantic Specialty Insurance Company (“Atlantic”). In the Motion to Dismiss, Atlantic and Third-Party Defendant Wheco Corporation (“Wheco”) have reached a settlement in this matter and Atlantic requests that all of its claims against Wheco be dismissed with prejudice. In the Stipulation of Dismissal, Atlantic and Third-Party Defendant Engle Martin & Associates, Inc. (“Engle Martin”) have reached a settlement in this matter and Atlantic requests that all of its claims against Engle Martin be dismissed with prejudice.¹ Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), an action may be dismissed by a stipulation of dismissal signed by all parties. Pursuant to Federal Rule of Civil Procedure 41(a)(2), an action may be dismissed by court order at the plaintiff’s request, on terms the court

¹ The stipulation also states that Engle Martin withdraws its pending Motion for Leave to Amend its Answer to Assert a Cross-Claim Against Wheco Corporation (ECF No. 64). The Court construes this as a motion to withdraw, and finds that the motion (ECF No. 68) should be and hereby is **GRANTED**. Engle Martin’s Motion for Leave to Amend (ECF No. 64) is **WITHDRAWN**.

considers proper.

Accordingly, Atlantic's Motion to Dismiss (ECF No. 66) and Stipulation of Dismissal (ECF No. 68) are hereby **GRANTED**, and all of Atlantic's claims against Wheco and Engle Martin are **DISMISSED WITH PREJUDICE** subject to the terms of the settlement agreements. If any party desires that the terms of settlement be a part of the record therein, those terms should be reduced to writing and filed with the Court within thirty (30) days of the entry of this judgment. The Court retains jurisdiction to vacate this Order and to reopen this action upon cause shown that the settlement has not been completed and further litigation is necessary. Because all claims in this matter have been dismissed,² the Court directs the Clerk of Court to close this case.

IT IS SO ORDERED, this 16th day of December, 2016.

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

² On April 21, 2016, the Court dismissed with prejudice Plaintiff Gambler Well Services, Inc.'s claims against Defendant Atlantic Specialty Insurance Company pursuant to the parties' settlement and stipulation of dismissal. (ECF No. 57).