

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

JIMMY SULLIVAN and
CHARLOTTE SULLIVAN

PLAINTIFFS

v.

Case No. 1:15-cv-1007

U.S. BANK, N.A.

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 29). This Court referred the Defendant's Motion for Summary Judgment to Judge Bryant for the purpose of making a report and recommendation. Judge Bryant scheduled a hearing on the matter. Prior to the hearing, the parties informed Judge Bryant that they had resolved the matter. Accordingly, Judge Bryant recommends that the Court enter the parties' Agreed Order of Dismissal and dismiss the case.

The Report and Recommendation (ECF No. 29) is adopted *in toto*. The Agreed Order of Dismissal is proper. The Order reads as follows:

Defendant U.S. Bank, N.A. ("U.S. Bank"), sent loan modification forms by mail to Plaintiffs Jimmy Sullivan and Charlotte Sullivan ("the Sullivans") on January 15, 2016. The Sullivans are still seeking a loan modification and will submit all necessary documentation to U.S. Bank by July 15, 2016.

The facts contained in the Requests for Admission filed by U.S. Bank on January 15, 2016, are admitted to by the Sullivans.

This action and all claims made herein are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 29th day of April, 2016.

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