

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

GROSS & JANES CO.

PLAINTIFF

v.

Case No. 1:16-cv-1079

JEFF NEILL TIMBERLAND
MANAGEMENT, INC.

DEFENDANT

ORDER

Before the Court is Plaintiff Gross & Janes Co.'s Motion for Voluntary Dismissal With Prejudice. (ECF No. 43). Defendant Jeff Neill Timberland Management, Inc. has informed the Court that it does not oppose the motion. The Court finds the matter ripe for consideration.

On February 19, 2019, Plaintiff filed the instant motion, informing the Court that the parties have resolved all claims in this matter and asking that the Court dismiss this case with prejudice, with each party bearing its own fees and costs. 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 considers proper. "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

Upon consideration, the Court finds that good cause for the motion has been shown. Accordingly, Plaintiff's motion (ECF No. 43) is hereby **GRANTED**. Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE**. 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.

IT IS SO ORDERED, this 26th day of February, 2019.

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