

U.S. DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JAN 14 2011

CHRIS R. JOHNSON, Clerk  
By  
Deputy Clerk

ECONOMY PREMIER ASSURANCE §  
COMPANY, as a subsidiary of §  
METROPOLITAN PROPERTY & §  
CASUALTY INSURANCE COMPANY, §  
as subrogee of DONNA SUE SEXTON; §  
and DONNA SUE SEXTON, individually, §

Plaintiffs, §

CASE NO.: CV-09-2008

vs. §

CPI PLASTICS GROUP, LTD. And, §  
THE HOME DEPOT, §

Defendant. §

Defendants. §

**ORDER TO DISMISS PLAINTIFFS' CLAIMS WITH PREJUDICE**

On this date came to be considered Plaintiffs Economy Premier Assurance Company, as a subsidiary of Metropolitan Property & Casualty Insurance Company, as subrogee of Donna Sue Sexton, and Donna Sue Sexton, Individually, and Home Depot U.S.A., Inc. d/b/a The Home Depot's Joint Stipulation of Dismissal in the above-numbered and captioned cause. It appears to the Court that the Joint Stipulation is well taken and should in all things be GRANTED.

It is therefore ORDERED, ADJUDGED AND DECREED that all claims filed by Plaintiffs Economy Premier Assurance Company, as a subsidiary of Metropolitan Property & Casualty Insurance Company, as subrogee of Donna Sue Sexton, and Donna Sue Sexton, Individually, against Home Depot U.S.A., Inc. d/b/a The Home Depot ("Defendant") are hereby dismissed in their entirety with prejudice to the re-filing same and all claims against CPI Plastics Group, Ltd. remain pending.

It is further ORDERED, ADJUDGED AND DECREED that all other costs herein incurred shall be taxed against the party incurring same.

SIGNED on the 14 day of January 2011.

  
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UNITED STATES DISTRICT JUDGE

152010.001/Joint Stipulation of Dismissal - Order