

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

CSX TRANSPORTATION, INC.

PLAINTIFF

v.

Civil No. 09-02038

EVEREST RAILCAR SERVICES, INC.

DEFENDANT

ORDER

NOW on this 23rd day of February 2010, comes on for consideration the **Joint Stipulation of Dismissal**, filed by the parties on February 22, 2010 (document #20). The Court, being well and sufficiently advised, finds that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff's complaint is **dismissed with prejudice** with respect to all claims against Defendant. Each party shall bear its own costs as herein incurred.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE