

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

NORTHPORT HEALTH SERVICES OF
ARKANSAS, LLC d/b/a PARIS HEALTH
AND REHABILITATION; NORTHPORT
HEALTH SERVICES, INC.; and NHS
MANAGEMENT, LLC

PLAINTIFFS

v.

Case No. 2:10-CV-02013

SANDRA O'BRIEN, as Special Administrator
of the Estate of Robert Warren, Deceased

DEFENDANT

ORDER OF DISMISSAL

Before the Court is Plaintiffs' Notice of Voluntary Dismissal. (Doc. 39). Plaintiffs request dismissal of their case, pursuant to Federal Rule of Civil Procedure 41. Plaintiffs represent that the this matter has been settled. While the Notice requests dismissal without prejudice, the proper resolution, based on the fact that the parties have entered into a settlement agreement, is dismissal with prejudice.

It appearing to the Court that the matter has been settled, the Court finds that the instant matter should be dismissed with prejudice, subject to the terms of the settlement agreement.

If any party desires to make the terms of the settlement a part of the record herein, those terms should be reduced to writing and filed with the Court within thirty days from the file date of this Order. The Court retains jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and that a party wishes this Court to enforce the settlement agreement specifically.

Because a court order is required for dismissal of this case pursuant to Fed. R. Civ. P. 41(a), the Court treats Plaintiffs' Notice as a Motion to Dismiss. That Motion (Doc. 39) is GRANTED

and Plaintiffs' claims are dismissed with prejudice in accordance with Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED this 20th day of September, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE