

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

JOHNNY ODIS STINNETT, Individually and  
as Special Administrator of the Estate  
of ODIS CARLTON STINNETT, Deceased

PLAINTIFF

v. Civ. No. 10-2035

MYLAN PHARMACEUTICALS, INC., et al.

DEFENDANTS

**O R D E R**

On March 12, 2010, the Court entered an order staying the above-captioned case. The purpose of this stay was to facilitate transfer to the Southern District of West Virginia as part of multidistrict litigation ("MDL"). The MDL court has yet to accept transfer, and as a result, the case remains pending in this Court.

Currently before the Court is Plaintiff's Motion to Dismiss without Prejudice. (Doc. 9). Defendants do not object to dismissal. The Court will grant Plaintiff relief from the stay and permit dismissal. Therefore, the Court, being well and sufficiently advised, finds that Plaintiff's complaint should be, and hereby is, DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a). The parties shall bear their own costs and attorney fees. However, should Plaintiff re-file his complaint, the Court will consider requiring Plaintiff to compensate Defendants for any duplicative costs and fees incurred.

IT IS SO ORDERED this 20th day of April 2010.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge