

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ERDMAN COMPANY; and ERDMAN
ARCHITECTURE & ENGINEERING
COMPANY

PLAINTIFFS

VS.

CASE NO. 2:10-CV-2045
Lead case

PHOENIX LAND & ACQUISITION, LLC;
PHOENIX HEALTH, LLC

DEFENDANTS

ERDMAN COMPANY; and ERDMAN
ARCHITECTURE & ENGINEERING
COMPANY

THIRD PARTY PLAINTIFFS

VS.

DATA TESTING, INC.;
OTIS ELEVATOR COMPANY; and
LONG'S DRILLING SERVICE, INC.

THIRD PARTY DEFENDANTS

PHOENIX HEALTH, LLC; and
IPF, LLC

CONSOLIDATED PLAINTIFFS

VS.

CASE NO. 2:11-CV-2067
Member Case

ERDMAN ARCHITECTURE &
ENGINEERING COMPANY; and
OTIS ELEVATOR COMPANY

CONSOLIDATED DEFENDANTS

ORDER

Before the Court is Erdman Company and Erdman Architecture & Engineering Company's Motion for Voluntary Dismissal of Third Party Claim. (ECF No. 205). The matter is ripe for the Court's consideration.

Erdman moves the Court to dismiss without prejudice its third-party complaint against Third-Party Defendant Long's Drilling Service, Inc. (ECF No. 156). Upon consideration, the Court finds that Erdman has shown good cause for the motion. Fed. R. Civ. P. 41(a)(2). Accordingly, the Court finds that Erdman's Motion to Dismiss (ECF No. 205) should be and hereby is **GRANTED**. Erdman's third-party claims against Long's Drilling Service, Inc. (ECF are therefore **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 17th day of December, 2012.

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