

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

ERDMAN COMPANY and
ERDMAN ARCHITECTURE &
ENGINEERING COMPANY

PLAINTIFFS

VS.

CASE NO. 2:10-CV-2045

PHOENIX LAND & ACQUISITION, LLC;
PHOENIX HEALTH, LLC; BENEFIT
BANK; ARVEST BANK; THE FIRST
NATIONAL BANK OF FORT SMITH;
NAUC PROPERTIES, LLC; and HARRIS
COMPANY OF FORT SMITH, INC.

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

ORDER

Before the Court is Plaintiffs' Motion for Voluntary Dismissal. (ECF No. 74). Plaintiffs move the Court to dismiss the lawsuit against Separate Defendants Benefit Bank, Arvest Bank, The First National Bank of Fort Smith, NAUC Properties, LLC, and Harris Company of Fort Smith, Inc. Upon consideration, the Court finds that the motion should be and hereby is **GRANTED**. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs' claims against Separate Defendants Benefit Bank, Arvest Bank, The First National Bank of Fort Smith, NUAC Properties, LLC, and Harris Company of Fort Smith, Inc., are hereby **DISMISSED** without prejudice.

IT IS SO ORDERED, this 14th day of November, 2011.

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