

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

CHARLES E. STILL, MEMBER
SUMMER RESOURCES, L.L.C.

PLAINTIFF

V. NO. 2:10-CV-02074 RTD

MERCHANTS HOLDING COMPANY, L.L.C.;
FORT SMITH PAVILION, L.L.C.;
KIEWIT SOUTHERN COMPANY;
and FT. SMITH STATION, LLC

DEFENDANTS

KIEWIT SOUTHERN COMPANY

THIRD-PARTY PLAINTIFF

V.

BLAKE CONSTRUCTION COMPANY, INC.

THIRD-PARTY DEFENDANT

MERCHANTS HOLDING COMPANY, L.L.C.

THIRD-PARTY PLAINTIFF

V.

CONSTRUCTION & PROPERTY
CONSULTANTS, INC.

THIRD-PARTY DEFENDANT

FORT SMITH PAVILION, L.L.C.

CROSS CLAIMANT

V.

KIEWIT SOUTHERN COMPANY and
BLAKE CONSTRUCTION CO., INC.

CROSS DEFENDANTS

FORT SMITH PAVILION, L.L.C.

THIRD-PARTY PLAINTIFF

V.

ROVANN LLC, MORRISON-SHIPLEY
ENGINEERS, INC. and
TERRACON CONSULTANTS, INC.

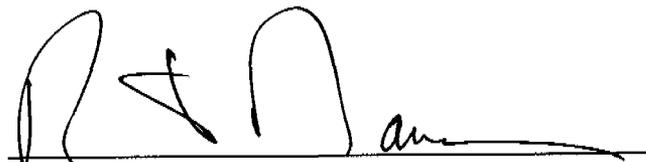
THIRD-PARTY DEFENDANTS

ORDER OF DISMISSAL

On this date there comes on for consideration the joint motion of all parties for dismissal of this action pursuant to *F.R.C.P.* 41 and agreed stipulations. The Court finds as follows:

1. All parties to this action have entered into an agreed stipulation for dismissal.
2. All claims asserted by plaintiff Charles E. Still Member of Summer Resources, L.L.C., should be dismissed with prejudice.
3. The third party complaint of Merchants Holding Company, L.L.C., against Construction & Property Consultants, Inc., should be dismissed without prejudice.
4. With the exception of the Merchants Holding Company, L.L.C., third party complaint against Construction & Property Consultants, Inc., all other claims, cross claims, counterclaims, and third party complaints should be dismissed with prejudice.
5. The parties joint motion to dismiss should be granted.
6. That all parties shall bear their own costs and attorney's fees except as may be otherwise agreed between or among themselves.

IT IS SO ORDERED.



HONORABLE ROBERT DAWSON

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

JAN 09 2012

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk