

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

DAUNN PHILLIPS

PLAINTIFF

v.

Case No. 2:11-CV-02063

NORTHPORT HEALTH SERVICES OF  
ARKANSAS, LLC; and MATTHEW C.  
STENGEL

DEFENDANTS

**ORDER**

Currently before the Court are separate defendant Matthew Stengel's Motion to Dismiss (Doc. 9), Plaintiff Daunn Phillips' Motion to Amend/Correct Complaint (Doc. 10), Plaintiff's Motion to Withdraw Motion to Amend (Doc. 12), and Plaintiff's Motion to Dismiss without Prejudice Pursuant to F.R.C.P. 41(a)(1)(A)(ii) (Doc. 13) as to separate defendant Matthew Stengel. The parties have stipulated to a dismissal of Plaintiff's claims against Stengel without prejudice. (Doc. 13-1). Rule 41(a)(1)(A)(ii) requires that a stipulation of dismissal be signed by all parties who have appeared. In the event that the provided e-mail correspondence may not be deemed to satisfy these requirements, the Court finds, upon due consideration, that Plaintiff's Complaint as to separate defendant Matthew Stengel should be, and hereby is, DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(2). The parties are to bear their own fees and costs.

IT IS FURTHER ORDERED that Plaintiff's Motion to Withdraw Motion to Amend/Correct Complaint (Doc. 12) is GRANTED.

Accordingly, Plaintiff's Motion to Amend/Correct Complaint (Doc. 10) is WITHDRAWN.

IT IS FURTHER ORDERED that separate defendant Stengel's Motion to Dismiss (Doc. 9) be TERMINATED AS MOOT.

This order does not affect the remaining defendant, Northport Health Services of Arkansas, LLC.

IT IS SO ORDERED this 14th day of June 2011.

*/s/ Paul K. Holmes, III*  
**PAUL K. HOLMES, III**  
**UNITED STATES DISTRICT JUDGE**