

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

GLEN GILBREATH and  
DARLA GILBREATH

PLAINTIFFS

v.

Case No. 2:12-CV-02142

SUNBEAM PRODUCTS, INC.

DEFENDANT

**ORDER**

Currently before the Court is Plaintiffs' motion for voluntary nonsuit (Doc. 58). Plaintiffs Glen Gilbreath and Darla Gilbreath move to dismiss this action with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Defendant Sunbeam Products, Inc. has filed a response (Doc. 59) indicating that it does not oppose the motion. Because Defendant has already served an answer (Doc. 7) in this case, a court order is required for Plaintiffs' action to be dismissed. Fed. R. Civ. P. 41(a)(2). Therefore, upon due consideration, Plaintiffs' motion (Doc. 58) is GRANTED and Plaintiffs' cause of action is hereby DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(2). The parties are to bear their own fees and costs.

The Court previously entered an order (Doc. 19) consolidating this case with case no. 2:13-CV-02039, *Trusty, et al. v. Sunbeam Products, Inc.* As consolidation is no longer necessary, the Clerk of the Court is DIRECTED to unconsolidate the cases. Henceforth, all pleadings and other documents in *Trusty, et al. v. Sunbeam Products, Inc.* are to be filed under case no. 2:13-CV-02039.

IT IS SO ORDERED this 21st day of January, 2014.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE