

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

SOUTHEAST X-RAY, INC.; and  
REAL RADIOLOGY, LLC

PLAINTIFFS

v.

Case No. 2:13-CV-02026

MICHAEL SPEARS; KENNETH DEAN  
VAUGHAN; and RAPID RADIOLOGY, INC.

DEFENDANTS

**MEMORANDUM OPINION AND ORDER**

Now pending before the Court is a stipulation of dismissal with prejudice (Doc. 36) filed by Plaintiff Southeast X-Ray, Inc. and Defendants Michael Spears, Kenneth Dean Vaughan, and Rapid Radiology, Inc. These parties stipulate that they have reached a settlement of their claims and counterclaims made against one another in the instant matter, and they wish to have these claims and counterclaims dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). The parties advise that all claims and counterclaims pending between Plaintiff Real Radiology, LLC and Defendants Michael Spears, Kenneth Dean Vaughan, and Rapid Radiology, Inc. are not dismissed and are expressly preserved.

Therefore, IT IS HEREBY ORDERED that all claims and counterclaims asserted in this matter between Plaintiff Southeast X-Ray, Inc. and Defendants Michael Spears, Kenneth Dean Vaughan, and Rapid Radiology, Inc. are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff Southeast X-Ray, Inc. is DISMISSED as a party from this lawsuit.

IT IS FURTHER ORDERED that all claims and counterclaims asserted in this matter between Plaintiff Real Radiology, LLC and Defendants Michael Spears, Kenneth Dean Vaughan, and Rapid Radiology, Inc. are not dismissed and are expressly preserved.

IT IS FURTHER ORDERED that the motion to compel (Doc. 33) filed by Defendant Rapid Radiology, Inc. against Plaintiff Southeast X-Ray, Inc. is DENIED AS MOOT.

IT IS SO ORDERED this 8th day of November, 2013.

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

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