

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

UNITED STATES OF AMERICA, for use of  
H & E EQUIPMENT SERVICES, INC.

PLAINTIFF

VS.

CASE NO. 09-CV-4026

LAND IMPROVEMENT COMPANY, and  
JERRY DERDEN, Individually

DEFENDANTS

MCCORMICK ASPHALT PAVING &  
EXCAVATING, INC.; and THE  
CINCINNATI INSURANCE COMPANY

CROSS-CLAIMANTS/  
CROSS-DEFENDANTS

VS.

LAND IMPROVEMENT COMPANY, INC.  
and JERRY DERDEN, Individually

CROSS-CLAIMANTS/  
CROSS-DEFENDANTS

**ORDER OF DISMISSAL**

Before the Court is a Notice of Dismissal filed by Cross Plaintiff, Land Improvement Company, Inc. ("LIC"). (Doc. No. 19). In the notice, LIC dismisses its Cross-Claim against McCormick Asphalt Paving & Excavating, Inc. and Cincinnati Insurance Company.

Accordingly, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Cross Plaintiff Land Improvement Company, Inc.'s Cross Claim against Cross Defendants McCormick Asphalt Paving & Excavating, Inc. and Cincinnati Insurance Company is hereby dismissed with prejudice.

IT IS SO ORDERED, this 12<sup>th</sup> day of March, 2010.

\_\_\_\_\_  
/s/Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge