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

DOLE AIR, INC. PLAINTIFF

VS. CASE NO.: 4:10-CV-04147-SOH

CITY OF TEXARKANA, ARKANSAS; HORACE SHIPP, Individually and in His Official Capacity as Mayor of Texarkana, Arkansas; TEXARKANA AIRPORT AUTHORITY; STEVEN LUEBBERT, Individually and in His Official Capacity as Director of the Texarkana Airport Authority

**DEFENDANTS** 

## **JUDGMENT**

Pending is a Motion for Partial Summary Judgment filed by Defendants City of Texarkana, Arkansas; Horace Shipp, individually and in his official capacity as Mayor of Texarkana, Arkansas<sup>1</sup>; Texarkana Airport Authority; and Steven Luebbert, individually and in his official capacity as Director of the Texarkana Airport Authority (Defendants). (ECF No. 20). The Plaintiff has responded in opposition (ECF No. 25), and the Defendants have replied (ECF No. 27). For the reasons discussed in the Memorandum Opinion of even date, the Motion should be and hereby is **GRANTED**. The Plaintiff's Complaint (ECF No. 6) is **DISMISSED WITH PREJUDICE**. The Defendants' Counterclaim (ECF No. 7) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 11th day of April, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge

<sup>&</sup>lt;sup>1</sup> The Plaintiff separately moved to dismiss Horace Shipp and the City of Texarkana, Arkansas from the case (ECF No. 23), and the Court granted that motion. (ECF No. 31). Horace Shipp and the City of Texarkana, Arkansas are therefore no longer parties in this case.