

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

JAMES STUART and CAREDA L.
HOOD, individually and on behalf
of all others similarly situated

PLAINTIFFS

v.

Case No. 4:14-cv-4001

STATE FARM FIRE AND CASUALTY
COMPANY

DEFENDANT

ORDER

Before the Court is Plaintiffs' Notice of Withdrawal of Motion for Partial Summary Judgment. (ECF No. 197). The Court construes the notice as a motion to withdraw the motion for partial summary judgment.¹ Defendant has not filed a response and the time to do so has passed. The Court finds the matter ripe for consideration.

On April 25, 2019, Plaintiffs filed a motion for partial summary judgment. (ECF No. 185). On May 20, 2019, Defendant filed a notice, stating that certain information provided to Plaintiffs during discovery may be inaccurate in light of newly uncovered evidence. Defendant's notice provides further that it is investigating the extent of the inaccuracies and will be providing supplemental discovery to Plaintiff.

On May 21, 2019, Plaintiffs filed the instant motion, stating that they wish to withdraw their motion for partial summary judgment, which relies in part on the inaccurate data discussed above. Plaintiffs state that they will resubmit their motion for partial summary judgment with any

¹ The Local Rules do not contemplate a party's filing being withdrawn simply by operation of the party filing a notice of withdrawal. However, even if such a mechanism existed, Plaintiffs' notice of withdrawal did not have its intended effect, as their motion for partial summary judgment was not withdrawn by the Clerk of Court and remains pending. For clarity of the docket, the Court issues this order.

necessary modifications after receiving the revised information from Defendant.

Upon consideration, the Court finds that good cause has been shown for the motion. Accordingly, Plaintiffs' motion (ECF No. 197) is hereby **GRANTED**. Plaintiffs' motion for partial summary judgment (ECF No. 185) is hereby **WITHDRAWN**, with leave to refile after Plaintiffs have received any necessary supplemental discovery.

IT IS SO ORDERED, this 6th day of June, 2019.

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