

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DEE ANN MILLER AND MIKE
MILLER, HER HUSBAND; AND
CLAYTON BRATT

PLAINTIFFS

V.

CIVIL NO. 08-5049

AIR EVAC LEASING CORPORATION;
AIR EVAC EMS, INC.; AND DENNIS
ENDERS

DEFENDANTS

DENNIS ENDERS AND
CAROL ENDERS, HIS WIFE

CROSS-CLAIMANTS

V.

JOHN DOE MAINTENANCE CO.

CROSS-DEFENDANT

ORDER

Currently before the Court are Plaintiffs' Motion to Dismiss Without Prejudice their claims against Defendants Air Evac Leasing Corp. ("Leasing"); Air Evac EMS, Inc. ("EMS"); and Dennis Enders (Doc. 23) and Cross-Claimants Dennis and Carol Enders's Motion to Dismiss their Claims Without Prejudice (Doc. 26). There is no opposition to either of these Motions, which encompass all claims in this case. Upon due consideration, both Motions are **GRANTED** and all claims in this case are dismissed **WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(2). Each party is to bear its own costs and fees. Should either complaint be re-filed, the Court

will consider requiring the Claimant to compensate the Respondent for any duplicative costs and attorney's fees incurred.

IT IS SO ORDERED this 21st day of October, 2008.

/S/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge