

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

KRISTIN KUELBS, by her guardian  
KIM HILL

PLAINTIFF

v.

Case No.: 09-6097

DONALD HILL, et al.

DEFENDANTS

O R D E R

On this 30th day of December 2010, there comes on for consideration the reports and recommendations filed in this case on December 9 & 13, 2010, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Docs. 201-03). Also before the Court are Defendants' objections to the reports and recommendations. (Docs. 213-215).

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The reports and recommendations are proper and should be and hereby are adopted in their entirety. Accordingly, Defendants' summary judgment motion as to Count III of Plaintiff's Amended Complaint (doc. 165) is DENIED; Plaintiff's summary judgment motion on Defendants' counterclaim (doc. 166) is GRANTED, and the counterclaim is DISMISSED WITH PREJUDICE; and Defendants' Motion to Strike, to Dismiss Plaintiff's Amended Complaint and that Judgment for Defendant be Entered on the Pleadings (doc. 145) is DENIED.

Finally, before the Court, is Plaintiff's Unopposed Motion to Dismiss Amended Complaint Without Prejudice pursuant to Rule

41(a)(2) of the Federal Rules of Civil Procedure (doc. 216). The Court, being well and sufficiently advised, and Defendants having no objection, finds the motion should be and hereby is GRANTED, and Plaintiff's Amended Complaint (doc. 31) is DISMISSED WITHOUT PREJUDICE. The parties are to bear their respective fees and costs.

IT IS SO ORDERED this 30th day of December 2010.

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