

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

BAILEY INDUSTRIES, INC.,
Plaintiff,

vs.

Case No. 3:10mc64/MCR/EMT

CLJP, INC.,
Defendant.

ORDER OF DISMISSAL

Before the court is Defendant's "Motion to Dismiss with Reservation of Jurisdiction" (Doc. 28). On September 30, 2010, the court entered a lengthy order on Plaintiff's motion to compel which included a schedule for final compliance with the court's rulings. Defendant filed a motion to extend the time for compliance, which motion it recently withdrew (Docs. 26, 27). In the instant motion to dismiss, Defendant states that the parties have now resolved all outstanding issues raised in Plaintiff's motion to compel, and it asks that this matter therefore be dismissed with prejudice, with a reservation of jurisdiction for twenty (20) days. Defendant certifies that Plaintiff does not object to its motion.

Upon consideration, the court **GRANTS** Defendant's motion to dismiss. The above-entitled action therefore shall be **DISMISSED** from the active docket of the court. In the event of a change in the parties' current agreement on the resolution of their dispute, the court reserves the power, upon motion filed by either party within **twenty (20) days** of the date of this order, to amend or vacate and set aside this Order of Dismissal and reinstate this case. The clerk shall be directed to close the file in this case for administrative purposes at this time, and upon the expiration of twenty (20) days without activity, close the case in its entirety for all purposes.

Accordingly, it is **ORDERED**:

1. Defendant's motion to dismiss (Doc. 28) is **GRANTED**. The above-entitled action therefore is **DISMISSED** from the active docket of the court.

2. In the event of a change in the parties' current agreement on the resolution of their dispute, the court reserves the power, upon motion filed by either party within **twenty (20) days** of the date of this order, to amend or vacate and set aside this Order of Dismissal and reinstate this case.

3. The clerk shall close the file in this case for administrative purposes at this time, and upon the expiration of **twenty (20) days** without activity, close the case in its entirety for all purposes.

DONE and ORDERED this 19th day of October 2010.

/s/ Elizabeth M. Timothy _____

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE