## IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ILLINOIS

MARK S. SMITH, JR., Plaintiff,

v.

No. 09-CV-1064-DRH-DGW

WACKER NEUSON CORPORATION and WACKER NEUSON SE, Defendants.

WACKER NEUSON CORPORATION and WACKER NEUSON SE, Third-Party Plaintiffs,

v.

FONTANA CONTRACTING COMPANY and WESCON PRODUCTS COMPANY, a subsidiary of Latshaw Enterprises, Inc., Third-Party Defendants.

## ORDER

## **HERNDON**, Chief Judge:

On October 13, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of Wacker Neuson SE (Doc. 90). The Court **ACKNOWLEDGES** the notice of dismissal and **DISMISSES with prejudice** Wacker Neuson SE as a defendant. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment at the close of the case reflecting the same.

IT IS SO ORDERED.

Signed this 14th day of October, 2011.

Digitally signed by David R. Herndon Date: 2011.10.14

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**Chief Judge United States District Court**