

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DAVID CRABTREE and ANITA
CRABTREE, DONALD PELTES and
DARLENE PELTES, JOHN HEMANN
and DEBRA HEMANN, MICHAEL
WELLEN AND JEAN WELLEN,**

Plaintiffs,

v.

No. 11-cv-00426-DRH

**EXXONMOBIL COAL USA, INC. and
MONTEREY COAL COMPANY,**

Defendants.

ORDER

HERNDON, Chief Judge:

Before the Court is a stipulation of dismissal without prejudice pursuant to Rule 41(a)(1)(A)(ii) between plaintiffs David Crabtree, Anita Crabtree, Donald Peltes, Darelene Peltes, John Hemann, Debra Hemann, Michael Wellen, and Jean Wellen, and defendants Exxonmobil Coal USA, Inc. and Monterey Coal Company (Doc. 426). The Court hereby acknowledges the stipulation and dismisses the cause of action without prejudice. The Court will close the file.

IT IS SO ORDERED.

Signed this 23rd day of September, 2011.

David R. Herndon
Digitally signed by David R. Herndon
Date: 2011.09.23 10:41:00 -05'00'

**Chief Judge
United States District Court**