

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

AMSTED INDUSTRIES INCORPORATED

Plaintiff,

v.

No. 11-cv-659-DRH-SCW

**TIANRUI GROUP FOUNDRY COMPANY,
LTD., STANDARD CAR TRUCK
COMPANY, INC., WESTINGHOUSE
AIR BRAKE TECHNOLOGIES CORPORATION,
CKD KUTNSA HORA, A.S, and
OMNICAST, LLC,**

Defendants.

ORDER

HERNDON, Chief Judge:

Pending before the Court is plaintiff Amsted Industries Incorporated's (Amsted) motion to dismiss defendant Tianrui Group Foundry Company, Ltd. (Tianrui) with prejudice pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2) (Doc. 87). Rule 41(a)(2) allows a court to consider whether it is proper to order a party dismissed, upon the plaintiff's motion. "The determination of whether to grant a motion for voluntary dismissal rests within the sound discretion of the district court." *Tyco Labs., Inc. v. Koppers Co., Inc.*, 627 F.2d 54, 56 (7th Cir. 1980). As Amsted informs the Court it has entered into a confidential settlement agreement with Tianrui, the Court finds said dismissal is proper. Further, as Tianrui is no longer a party to this action, the Court holds its motion to dismiss

for failure to state a claim is rendered **MOOT** (Doc. 85). Accordingly, the Court **GRANTS** Amsted's motion and **DISMISSES Tianrui with prejudice**.

IT IS SO ORDERED.

Signed this 14th day of February, 2012.

 David R. Herndon
2012.02.14
11:58:05 -06'00'



Chief Judge
United States District Court