

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

AMSTED INDUSTRIES INCORPORATED

Plaintiff,

v.

No. 11-cv-659-DRH-SCW

**STANDARD CAR TRUCK
COMPANY, INC., WESTINGHOUSE
AIR BRAKE TECHNOLOGIES CORPORATION,
and OMNICAST, LLC,**

Defendants.

ORDER

HERNDON, Chief Judge:

Pending before the Court is plaintiff Amsted Industries Incorporated's (Amsted) unopposed motion to dismiss (Doc. 90). Amsted seeks dismissal **with prejudice** of defendants Standard Car Truck Company, Inc. (SCT) and Westinghouse Air Brake Technologies Corporation (Wabtec) and all claims asserted by and against plaintiff and such parties pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2).

Additionally, plaintiff seeks dismissal **without prejudice** of all claims Amsted has asserted against defendant Omnicast, LLC, (Omnicast) pursuant to Rule 41(a)(2). Amsted cites a confidential settlement agreement as the impetus of this unopposed motion. 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 of all pending claims with the remaining defendants to this action, the Court finds said dismissal is proper. Further, as this Order disposes of all remaining parties and claims to this action, the Clerk is instructed to close the file. Accordingly, the Court **GRANTS** Amsted’s unopposed motion and dismisses **with prejudice** all claims against and by SCT and Wabtec and **without prejudice** all claims against Omnicast (Doc. 90).

IT IS SO ORDERED.

Signed this 21st day of February, 2012.

David R. Herndon



David R. Herndon

2012.02.21

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**Chief Judge
United States District Court**