

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

COUNTRY MUTUAL INSURANCE
COMPANY,

Plaintiff,

vs.

ELECTROLUX HOME PRODUCTS, INC.,

Defendant.

Case No. 13-cv-849-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Electrolux Home Products, Inc.'s ("Electrolux") motion to dismiss (Doc. 15). In its motion, Electrolux moves to dismiss with prejudice Count Four, alleging negligent breach of continuing duty to warn, of plaintiff Country Mutual Insurance Company's ("Country Mutual") complaint. Country Mutual filed its response (Doc. 23) to the motion in which it informs the Court it "does not oppose [Electrolux]'s motion and consents to having Count [Four] dismissed with prejudice." Doc. 23, p. 2. Accordingly, the Court **GRANTS** Electrolux's motion to dismiss (Doc. 15), **DISMISSES with prejudice** Count Four of Country Mutual's complaint, and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of this case.

IT IS SO ORDERED.

DATED: December 3, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE