

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

SMITHCO MANUFACTURING, INC.,

Plaintiff,

vs.

HALDEX BRAKE PRODUCTS
CORPORATION,

Defendant.

No. C 09-4016-MWB

**ORDER DISMISSING PLAINTIFF'S
NEGLIGENCE CLAIM WITH
PREJUDICE**

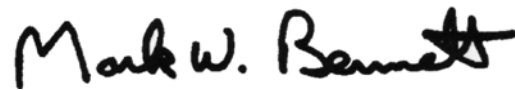
This case is before the court on the plaintiff's March 24, 2010, Motion For Voluntary Dismissal Of Negligence Claim (docket no. 38). The plaintiff asserts that it is appropriate to dismiss its negligence claim, because the plaintiff believes that this case more properly sounds in warranty, and the plaintiff consents to dismissal of its negligence claim with prejudice. The plaintiff represents that the defendant will not consent to voluntary dismissal of the negligence claim, because the court has ordered supplemental briefing on that claim. The court finds good cause for dismissing the negligence claim.

THEREFORE, the plaintiff's March 24, 2010, Motion For Voluntary Dismissal Of Negligence Claim (docket no. 38) is **granted** and the plaintiff's negligence claim is **dismissed with prejudice**.

FURTHERMORE, the supplemental briefing required by the court's Order (docket no. 37), filed March 11, 2010, is now **moot**, and the parties are no longer required to file any supplemental briefs.

IT IS SO ORDERED.

DATED this 24th day of March, 2010.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA