

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARK MONSOUR, SHEILA MONSOUR)
 and MONSOUR’S, INC.)
)
 Plaintiffs,)
)
 v.)
)
 MENU MAKER FOODS, INC.,)
)
 Defendant.)
 _____)

Case No. 05-1204-MLB

ORDER

On this ____ day of January, 2006, plaintiffs Mark and Sheila Monsour and Monsour’s Inc.,’s Motion for an Order Dismissing Without Prejudice Plaintiffs’ claims for fraud and punitive damages (Counts V and VI) comes on for hearing. Plaintiffs appear by and through their attorneys of record, Dustin L. DeVaughn and Richard James of McDonald, Tinker, Skaer, Quinn & Herrington, P.A. Defendant appears by and through its counsel of record, John Val Wachtel of Klenda, Mitchell, Auterman & Zuercher, LLC. There were no other appearances. After reviewing the record and being advised by defendant that there is no opposition to plaintiffs’ motion, the Court sustains the same pursuant to Fed. R. Civ. P.41.

IT IS SO ORDERED.

s/ Monti Belot

 The Honorable Judge Belot

APPROVED:

McDonald Tinker Skaer, Quinn & Herrington P.A.

By: /s/ Dustin L. DeVaughn
Dustin L. DeVaughn

Klenda, Mitchell, Austerman & Zuercher, LLC

By: /s/ John Val Wachtel
John Val Wachtel