

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JASON POE

CIVIL ACTION

VERSUS

NUMBER 10-220-FJP-CN

MARTIN TRANSPORT, INC. and PCS
NITROGEN, INC.

ORDER

The Court hereby sets oral argument on the issue of whether the Court should grant plaintiff's motion to dismiss without prejudice. The issues before the Court are not only the merits of the Rule 12(b)(6) motion, but also the application of Rule 41 of the Federal Rules of Civil Procedure to the facts of this case.

The specific question is whether the Court can grant plaintiff's motion to dismiss without prejudice because the defendant has filed a motion to dismiss with prejudice. At this hearing, the parties shall also be prepared to argue the Rule 12(b)(6) motion to dismiss by the defendant. Oral Argument is hereby set at 10:00 a.m. on Tuesday, October 26, 2010, in Courtroom

Doc#46871

2 of the Russell B. Long Federal Building, 777 Florida Street,
Baton Rouge, Louisiana.

IT IS SO ORDERED.

Baton Rouge, Louisiana, this 11th day of August, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA