# IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION

## JAMES TUMINELLO

# PLAINTIFF

V.

# CIVIL ACTION NO. 4:08cv110 DPJ-JCS

U.S. PHYSICAL THERAPY, INC., LAUREL PHYSICAL THERAPY LIMITED PARTNERSHIP a/k/a SOUTH MISSISSIPPI PHYSICAL THERAPY – BAY SPRINGS, REHAB PARTNERS, # 6, INC.

#### DEFENDANTS

#### **ORDER OF DISMISSAL**

The Court hereby orders that this case should be and hereby is dismissed with prejudice,

each party to bear his own costs.

#### **SO ORDERED AND ADJUDGED** this the 7<sup>th</sup> day of July, 2009.

<u>s/ Daniel P. Jordan III</u> UNITED STATES DISTRICT JUDGE

## **Prepared by:**

ASHLEY ELEY CANNADY (MSB No. 101253) BETHANY BRANTLEY JOHNSON (MSB No. 10423) Ogletree, Deakins, Nash, Smoak & Stewart, P.C. 100 Renaissance 1022 Highland Colony Parkway, Suite 200 Ridgeland, Mississippi 39157 Telephone: (601) 360-8444 Facsimile:(601) 360-0996 Attorneys for Defendant

## Agreed as to form and content:

JOHN F. HAWKINS W. ANDREW NEELY Hawkins, Stracener, & Gibson, PLLC Jackson, MS 39225-4627 Telephone: (601) 969-9692 Facsimile: (601) 914-3580 **Attorneys for Plaintiff**