

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

S. PARKER CONSTRUCTION, INC., a
Utah corporation, dba BARRY
PARKER CONSTRUCTION,

Plaintiff,

v.

SUNTEX HOMES, LLC., et al.,

Defendants.

2:08-CV-1439 JCM (GWF)

Date: N/A
Time: N/A

ORDER

Presently before the court is fourth-party plaintiff S. Parker Construction, Inc.’s (“Parker”) motion to dismiss fourth-party complaint against fourth-party defendant Michael J. Lichtie without prejudice. (Doc. # 90). No opposition has been filed.

Upon further reading of the present motion, it appears to be what is an incorrectly titled voluntary dismissal. In its motion, plaintiff states that “the only claims remaining in this action are S. Parker’s fourth-party claims as contained in its [f]ourth-[p]arty [c]omplaint against [f]ourth-[p]arty [d]efendant, Michael Lichtie, who is appearing in proper person. However, S. Parker is desirous of dismissing its [f]ourth-[p]arty [c]omplaint against Mr. Lichtie without prejudice and hereby respectfully moves this [c]ourt to grant its instant [m]otion in this regard.” (Doc. # 90, p. 4). Thus, the court will treat the present motion as a voluntarily dismissal of defendant Lichtie, and hereby grants it.


James C. Mahan
U.S. District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

IT IS HEREBY ORDERED ADJUDGED AND DECREED plaintiff's motion to voluntarily dismiss defendant Michael J. Lichtie (doc. # 90) be, and by the same hereby is, GRANTED.

DATED this 9th day of August, 2011.


UNITED STATES DISTRICT JUDGE