

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv152

FRANK W. PHILLIPS, JR. and wife VIVIEN)
PHILLIPS; MITCHELL LUMBER COMPANY,)
INC.; MARTHA PHILLIPS, widow; TONI RUTH)
SMITH and husband, WESLEY CHAD SMITH;)
and RUFFIN PHILLIPS AYERS and husband,)
ROGER ELLIS AYERS, JR.,)
Plaintiffs,)
vs.)
TERRI HOPE DUGAS; IRENE W. CAIN; JUDY)
EDMONDS RIGGINS and husband RUSSELL)
LEWIS RIGGINS; MICHAEL J. BIRCH and wife,)
FRANCES J. BIRCH; VAN S. BOYD and wife,)
PATRICIA ANN BOYD; JOSEPH K. HALL and)
wife, GLORIA B. HALL; ANTHONY M. MILICI)
and wife, SELENA MILICI; and the U.S.)
DEPARTMENT OF AGRICULTURE FOREST)
SERVICE,)
Defendants.)
TERRI HOPE DUGAS,)
Third-Party Plaintiff,)
vs.)
BRYANT & YOUNG LUMBER COMPANY, INC.,)
Third-Party Defendant.)

**ORDER OF
REMAND**

THIS MATTER is before the Court on the parties' Stipulation of Dismissal of All Plaintiffs' Claims Against All Defendants and Stipulation of Consent for this Action to be Remanded to State Court [Doc. 34].

The parties who have appeared in this action have stipulated pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure to the dismissal with prejudice of all of the Plaintiffs' claims against all of the Defendants in this matter. [Doc. 34]. These parties further have stipulated that the remaining counterclaims of Defendants Dugas and Cain and the third party claims of Third Party Plaintiff Dugas should be remanded to the Superior Court of McDowell County, North Carolina, for trial. [Id.].

Based on the parties' stipulations and their stated consent to the remand of this action, the Court hereby enters the following Order.

IT IS, THEREFORE, ORDERED that this civil action is hereby **REMANDED** to the Superior Court of McDowell County, North Carolina, for trial on the counterclaims of Defendants Dugas and Cain against the Plaintiffs and on the third party claims of Third Party Plaintiff Dugas against the Third Party Defendant Bryant & Young Lumber Company, Inc.

IT IS SO ORDERED.

Signed: June 11, 2012



Martin Reidinger
United States District Judge

