

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OHIO POWER COMPANY,

Plaintiff,

v.

Case No. 2:09-cv-016

JUDGE SARGUS

MAGISTRATE JUDGE ABEL

GENERAL HYDROGEN CORP.,

et al.,

Defendants.

ORDER

Pursuant to Rule 41(a), and with the agreement of all Parties, this action, including all claims and cross-claims, is **DISMISSED WITHOUT PREJUDICE**. Accordingly, all pending motions are also dismissed without prejudice. The Court takes no position on the applicability of the doctrines of collateral estoppel or res judicata, and Defendants may raise these defenses should Plaintiff refile this action. This Order does not apply to the pending settlement of claims between Plaintiff and Defendants General Hydrogen Corporation and General Hydrogen of West Virginia Corporation.

IT IS SO ORDERED.

9-8-2011

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE