

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY L. KROH, administrator of the estate of April M. Erdman,	:	CIVIL ACTION NO. 1:07-CV-686
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
NORFOLK SOUTHERN RAILWAY COMPANY and NORFOLK SOUTHERN CORPORATION,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 3rd day of February, 2009, upon consideration of defendants' motion in limine (Doc. 60) filed under Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993), and counsel having reported to the court that this action has been settled, it is hereby ORDERED that:

1. This action is DISMISSED without costs and without prejudice to the right of either party, upon good cause shown, to reinstate the action within sixty (60) days if the settlement is not consummated.
2. The motion in limine (Doc. 60) is DENIED as moot.
3. The Clerk of Court is instructed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge