

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

JAMES GARRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-2025-KHV-DJW
	)	
DEFFENBAUGH INDUSTRIES, INC.	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

This matter is before the Court on the unopposed motion of Plaintiff James Garry to dismiss this action without prejudice (Doc. #9) as provided in Fed.R.Civ.P. 41(a)(2) with each party to bear his or its respective costs and attorney's fees.

The Court finds that the motion should be and is hereby granted.

IT IS THE ORDER OF THE COURT that this action be dismissed without prejudice and that each party shall bear his or its own costs and attorney's fees.

IT IS SO ORDERED.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
U.S. DISTRICT COURT JUDGE

Dated: This 15th day of June, 2006, at  
Kansas City, Kansas