

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re WELDING FUME PRODUCTS
LIABILITY LITIGATION

Case No. 1:05-CV-17678

DARWIN PEABODY and MELINDA
PEABODY,

MDL Docket No. 1535

Plaintiff,

THE HONORABLE KATHLEEN O'MALLEY

v.

AIRCO, INC., et al.,

Defendant.

**MOTION FOR AN ORDER VOLUNTARILY DISMISSING PLAINTIFFS WITH
PREJUDICE**

Now come Welding Fume Plaintiffs Darwin and Melinda Peabody, by and through undersigned counsel, who hereby move the Court to issue an order dismissing Plaintiffs with prejudice from the action pending in this above-captioned multidistrict litigation. Plaintiffs in the captioned matter no longer seek to prosecute their claims against Defendants. Plaintiffs respectfully move this Court to enter an Order dismissing Plaintiffs with prejudice from the action pending in this above-captioned multidistrict litigation. Each party is to bear their own costs.

Dated: August 9, 2006

Respectfully submitted,

RICHARD F. SCRUGGS

And

DON BARRETT

BY: /s/ Don Barrett

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COUNSEL FOR PLAINTIFFS

Certificate of Service

I hereby certify that on August 9, 2006 a true copy of the foregoing was filed electronically. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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