



No. 100,349

IN THE SUPREME COURT OF THE STATE OF KANSAS

OPAL LITTELL AND CHERRY RIDER,
CO-TRUSTEES OF
THE OPAL LITTELL FAMILY TRUST, AND BONNIE BEELMAN,
INDIVIDUALLY AND AS REPRESENTATIVE PLAINTIFFS ON
BEHALF OF PERSONS OR CONCERNS SIMILARLY SITUATED,
Plaintiffs/Appellees,

v.

OXY USA, INC.,
Defendant-Appellee,

v.

WALLACE B. RODERICK REVOCABLE LIVING TRUST,
TRUSTEE WALLACE B. RODERICK,
ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED,
Objector/Intervenor/Appellant.

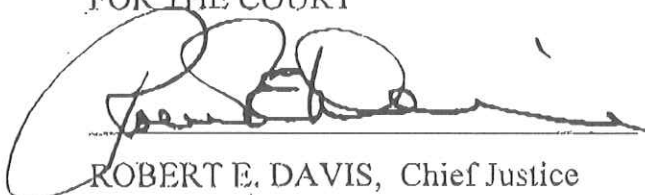
ORDER

On December 16, 2008, the appellant filed a pleading entitled, Motion to Withdraw Objection/Intervention and Appeal. Plaintiffs/appellees, Opal Littell, *et al.*, and Defendant/appellee, Oxy USA, Inc., filed responses objecting to the motion. In its reply, the appellant asked *inter alia* that his motion be treated as a notice of voluntary dismissal under Rule 5.04.

Accordingly, the court takes note that appellant has voluntarily dismissed his appeal "by filing and serving a notice of dismissal with the clerk of the appellate courts." Supreme Court Rule 5.04 (2008 Kan. Ct. R. Annot. 35).

DATED: January 22, 2009

FOR THE COURT



ROBERT E. DAVIS, Chief Justice