

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

OMER C. SUBLETT

PLAINTIFF

v.

CIVIL ACTION NO. 3:19-CV-00860-JRW-RSE

WELLS FARGO BANK, N.A., ET AL.

DEFENDANTS

ORDER OF DISMISSAL WITH PREJUDICE

1. The Court **GRANTS** Omer C. Sublett's motion to dismiss claims against Trans Union, LLC (DN 17).
2. The Court **GRANTS** Sublett's motion to dismiss claims against Wells Fargo Bank, N.A. (DN 18).
3. The Court **GRANTS** Sublett's motion to dismiss claims against Experian Information Solutions, Inc. (DN 19).
4. The Court **DISMISSES** this case **with prejudice**.

OPINION

Sublett submitted 3 proposed agreed orders of dismissal, one for each remaining defendant.¹ A plaintiff can voluntarily dismiss an action without a court order “before the opposing party serves either an answer or a motion for summary judgment”² or if he files “a stipulation of dismissal signed by all parties who have appeared.”³ Otherwise, the court must enter an order.⁴

¹ DN 17, DN 18, DN 19.

² Fed. R. Civ. P. 41(a)(1)(A)(i).

³ Fed. R. Civ. P. 41(a)(1)(A)(ii).

⁴ Fed. R. Civ. P. 41(a)(2).

In this case, the remaining defendants filed answers to the Complaint.⁵ And each proposed agreed order was not signed by each remaining party.⁶ Because the agreed orders do not fall under the rules allowing a plaintiff to voluntarily dismiss without a court order, the Court construes the agreed orders as Sublett's requests to dismiss under Fed. R. Civ. P. 41(a)(2). Construed as such, dismissing this action by court order is the proper procedure.

A handwritten signature in black ink that reads "Justin R. Walker". The signature is fluid and cursive, with a long horizontal flourish at the end.

Justin R Walker, District Judge
United States District Court

April 23, 2020

⁵ DN 9, DN 11, DN 15.

⁶ DN 17, DN 18, DN 19.