

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<p><b>CATLIN SPECIALITY INS. CO.,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CIVIL ACTION NO. 09-00333-KD-M</b></p>
<p><b>vs.</b></p>		
<p><b>M.E. FARMER CONSTRUCTION, LLC,</b></p> <p><i>et. al,</i></p> <p style="padding-left: 40px;"><b>Defendants.</b></p>		

**ORDER**

This matter is before the Court on the Plaintiff’s “Stipulation of Dismissal” of this case pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure (Doc. 14), in which the Plaintiff stipulates to the dismissal of this case with costs taxed as paid.

While the Stipulation is signed by counsel for Plaintiff, it is not signed by counsel for the remaining parties. Because all of the parties have not joined in the Stipulation as required under Rule 41(a)(1)(A)(ii) and the two (2) remaining defendants have neither served an answer or a motion for summary judgment, Plaintiff’s “stipulation” is construed as a Notice of Voluntary Dismissal of the case without prejudice<sup>1</sup> pursuant to Rule 41(a)(1)(A)(i).

Accordingly, it is hereby **ORDERED** that the Plaintiff’s case is **DISMISSED without prejudice**, costs taxed as paid.

**DONE and ORDERED** this the **1<sup>st</sup>** day of **August 2011**.

/s / Kristi K DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>1</sup> Rule 41(a)(1)(B) provides that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” FED.R.CIV.P. Rule 41(a)(1)(B). Here, the Plaintiff’s stipulation does not “state otherwise” and thus, this case is dismissed without prejudice.