

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

<p>VISION BANK,</p> <p style="padding-left: 40px;">Plaintiff/Counterclaim-Defendant,</p> <p>v.</p> <p>LOUIS J. LANZA, III and</p> <p>C.J. MINOR, a/k/a Calvin J. Minor,</p> <p style="padding-left: 40px;">Defendants/Counterclaim-Plaintiffs.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION NO. 10-00628-KD-M</p>
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ORDER

This matter is before the Court on Plaintiff Vision Bank’s Motion To Dismiss Count Two (Accounting and Inspection) of Its Complaint (Doc. 40). Plaintiff has represented that Defendants Louis J. Lanza, III and C.J. Minor do not oppose the motion. Upon consideration, Plaintiff’s motion is due to be **GRANTED** pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. See Campbell v. Altec Indus., Inc., 605 F.3d 839, 841 n.1 (11th Cir. 2010) (holding that Rule 15, which pertains to amendment of pleadings — not Rule 41, which pertains to dismissal of actions — provides proper mechanism for plaintiff to drop claims that have survived summary judgment).

Accordingly, it is **ORDERED** that Vision Bank’s Motion To Dismiss Count Two (Accounting and Inspection) of Its Complaint (Doc. 40) is **GRANTED**, and Count Two of Vision Bank’s Complaint (Doc. 1) is **DISMISSED without prejudice**.

DONE and ORDERED this the **18th** day of **November 2011**.

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