

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

WILLIAM M. CUNNINGHAM, JR.,) <i>Personal Representative and Executor of</i>) <i>The Estate of Rebecca C. Cunningham,</i>) <i>Deceased,</i>) Plaintiff,)))	
vs.)	CIVIL ACTION NO. 10-00671-KD-C
HONEYWELL INTERNATIONAL, INC.,) <i>et al.,</i>) Defendants.))	

ORDER

This matter is before the Court on the Plaintiff's Rule 41 "Notice of [Partial] Dismissal" (Doc. 7). Plaintiff voluntarily moves for all of his claims against 11 defendants to be dismissed without prejudice.

A Rule 41(a)(1)(A)(i) Notice of Dismissal is permissible if filed "before the opposing party serves either an answer or a motion for summary judgment[.]" This action was commenced on December 3, 2010. (Doc. 1). The record reveals that none of the 11 named defendants have appeared in this case, or filed an answer or motion for summary judgment.

Accordingly, it is **ORDERED** that all of the Plaintiff's claims against the following 11 defendants are hereby **DISMISSED without prejudice**:

- 1) **Anchor Packing Company**
- 2) **Charter, Inc.**
- 3) **Charter Consolidated, P.L.C.**
- 4) **Charter Consolidated Finance Limited**
- 5) **Charter Consolidated Financial Services Limited**
- 6) **Charter Consolidated Investments Limited**

- 7) **Charter Consolidated Services Limited**
- 8) **Consolidated Mines Selection Company Limited**
- 9) **Insulation Engineers, Inc.**
- 10) **Insulation Contracting, Inc. of Alabama**
- 11) **Phelps Dodge Industries, Inc.**

Each party shall bear his or its own costs.

Nothing herein shall be construed as dismissing any of the Plaintiff's claims against the remaining defendants.

DONE and ORDERED this the 14th day of **March 2011**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE