

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

WILLIAM M. CUNNINGHAM, JR.,)	
<i>PERSONAL REPRESENTATIVE AND</i>)	
<i>EXECUTOR OF THE ESTATE OF</i>)	
<i>REBECCA C. CUNNINGHAM, DECEASED,</i>)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:10-00671-KD-C
)	
HONEYWELL INTERNATIONAL, INC.,)	
<i>et al.,</i>)	
Defendants.)	

ORDER

This matter is before the Court on the Plaintiff’s “Rule 41(a)(1)(i) Notice of Dismissal Without Prejudice as to Aearo Company I, Inc. f/k/a Cabot Safety Corporation n/k/a Aearo Technologies LLC.” (Doc. 54). Plaintiff voluntarily dismisses all of his claims against Defendant Aearo Company 1 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 Defendant Aearo Company 1 has not filed an answer or motion for summary judgment in this case.

Accordingly, it is **ORDERED** that all of the Plaintiff’s claims against Defendant Aearo Company 1 are hereby **DISMISSED** without prejudice.

Both parties shall bear their own costs.

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

DONE and ORDERED this the **5th** day of **April 2011**.

/s/ Kristi K. DuBose _____

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE