Pennsylvania National Mutual Casualty Insurance Company v. King et al Doc. 10

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

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY,	)	
Plaintiff,	)	
vs.	)	**CIVIL ACTION NO. 11-0502-KD-C**
CALVIN KING; ALLIE KING; TREASURE COAST CONTRACTING SVCS, LLC, TWO-WAY COMMUNICATIONS, INC. and BALDWIN COUNTY, ALABAMA.	)	
Defendants.	)	

ORDER

This action is before the Court on Plaintiff Pennsylvania National Mutual Casualty Insurance Corporation's notice of dismissal without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. (Doc. 9). The Rule provides for voluntary dismissal without prejudice by the plaintiff "by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i).

The docket indicates that defendants have not filed an answer or a motion for summary judgment.[1] Accordingly, this action is **dismissed without prejudice** pursuant to the notice and the Clerk of the Court is directed to close this action.

DONE and **ORDERED** this 13th day of October, 2011.

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

[1] Defendants Calvin and Allie King have filed a motion to dismiss for lack of jurisdiction. Defendant Baldwin County, Alabama has filed a notice of appearance and motion for extension of time to answer which has been granted.

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