

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

INDEPENDENT LIVING CENTER :
BUILDING CO, INC. d/b/a
INDEPENDENT LIVING CENTER OF
MOBILE, an Alabama corporation,

Plaintiff/Counter-Defendant, :

vs. : **CIVIL ACTION NO 16-430-TM-MU**

RENEW MAINTENANCE & :
CONSTRUCTION, INC.,

Defendant/Counter-Plaintiff. :

ORDER

This cause is before the Court on the *Joint Stipulation of Dismissal with Prejudice as Between Renew Maintenance and Construction, Inc. and Independent Living Center Building Co., Inc.* (Doc. 122).¹ The Rules of Civil Procedure permit a plaintiff to voluntarily dismiss the action without an order of the court “by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or “a stipulation signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A). The joint stipulation is signed by both sides. Consequently, by operation of Rule 41, this action has been dismissed in accordance with the joint notice. Therefore, this case is dismissed with prejudice with each party to bear their own attorneys’ fees and costs.

There being no further claims pending, the pretrial conference scheduled for October 18, 2018 and trial scheduled for the November 2018 term are **CANCELLED** and the Clerk of the

¹ The claims of Developer Surety and Indemnity Company and Independent Living Center Building Co., Inc. were dismissed on stipulation (Doc. 91) by Order entered on February 9, 2018 (Doc. 103).

Court is **DIRECTED** to close this case.

DONE and ORDERED this 12th day of October, 2018.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE