

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

<b>ASPHALT CONTRACTORS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 2:11-0170-KD-M</b>
	)	
<b>KANZA CONSTRUCTION, INC., and</b>	)	
<b>GARRET RINER,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action is before the Court on the plaintiff Asphalt Contractors, Inc.’s motion to dismiss with prejudice (doc. 25). Plaintiff reports that the parties have reached agreement for settlement of all claims and moves the Court to dismiss this action with prejudice with costs taxed as paid. Because defendants have served an answer and all parties who have appeared did not sign the motion, *see* Fed. R. Civ. P. Rule 41(a)(1)(A)(i) & (ii), the Court will construe the motion as a motion for voluntary dismissal by the plaintiff pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Upon consideration, plaintiff’s motion to dismiss is **GRANTED** and this action is **DISMISSED with prejudice.**

No other order shall be forthcoming from the Court except upon application by either party for final judgment as prescribed by Rule 58 of the Federal Rules of Civil Procedure.

Costs are taxed as paid.

**DONE and ORDERED** this 28th day of November, 2011.

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