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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
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8 Jeffrey C. Stone, Inc. d/b/a/ Summit)	No. CV 09-2454-PHX-MHM
9 Builders Construction Corporation,	ORDER
10 Plaintiff,	
11 vs.	
12 Greenberg Traurig, LLP, et al.,	
13 Defendants.	
14 _____	

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16 On August 31, 2010, Plaintiff Jeffrey C. Stone, Inc. d/b/a/ Summit Builders
17 Construction Corporation (Summit) filed a Notice of Voluntary Dismissal pursuant to
18 Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) provides that a “plaintiff
19 may dismiss an action without a court order by filing . . . a notice of dismissal before the
20 opposing party serves either an answer or a motion for summary judgment.” Such dismissal
21 is “without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).
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23 Here, Defendants George and Mary Jane Everette and Defendant Francine Coles filed
24 answers to Summit’s complaint. (Docs. 12, 18) Thus, the Notice of Dismissal is ineffective
25 as to these Defendants. Accordingly,

26 **IT IS ORDERED** dismissing this action with prejudice as to Defendants George and
27 Mary Jane Everette and Defendant Francine Coles.

28 **IT IS FURTHER ORDERED** dismissing this action without prejudice as to all

1 remaining Defendants.

2 **IT IS FURTHER ORDERED** dismissing the following motions as moot: Docs. 79,
3 81, 84, 89, 91, 94, 100, 115, 162, 164, 165, 166, 168, 194, 199, and 202.

4 **IT IS FURTHER ORDERED** that all other motions remain pending.

5 In light of Defendants' motions for sanctions (Docs. 206, 212, 213) and the Court's
6 concerns regarding Summit's meritless action, that produced a record containing over 2300
7 pages, and required Defendants to file multiple motions to dismiss, as well as Summit's lack
8 of candor with the Court both in its pleadings and during oral argument,

9 **IT IS FURTHER ORDERED** requiring Summit within 14 days of the date of this
10 order to show cause in writing why this Court should not impose sanctions against Summit
11 and its counsel.

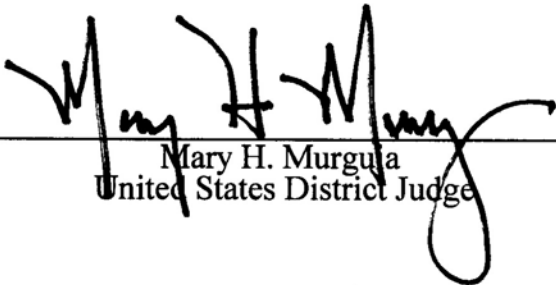
12 With respect to the parties' Stipulation for an Extension of Time for Summit to respond
13 to Defendant MCA Financial Group, Limited's Motion for Rule 11 Sanctions (Doc. 206),

14 **IT IS FURTHER ORDERED** granting said stipulation and requiring Summit to file
15 its Response within 14 days of the date of this order. (Doc. 216)

16 **IT IS FURTHER ORDERED** directing the Clerk of the Court to enter judgment
17 accordingly.

18 DATED this 21st day of September, 2010.

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Mary H. Murgula
United States District Judge