

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**CHARLES DAVID STANLEY**

**PLAINTIFF**

**v.**

**Case No. 4:17-cv-270 KGB**

**LINCOLN NATIONAL LIFE  
INSURANCE COMPANY; and  
CONWAY REGIONAL MEDICAL  
CENTER d/b/a CONWAY REGIONAL  
HEALTH SYSTEM**

**DEFENDANTS**

**ORDER**

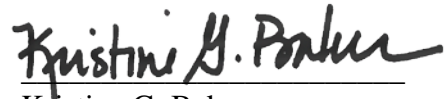
On May 17, 2017, plaintiff Charles David Stanley filed what was styled as stipulation of dismissal of separate defendant Conway Regional Medical Center (“Conway Regional”) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (Dkt. No. 5). Rule 41(a)(1)(A) provides that the plaintiff may dismiss an action without court order by filing “(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A).

At the time Mr. Stanley filed his stipulation of dismissal, no counsel of record had appeared on behalf of Conway Regional. Thus, the filing bore the signature of all parties who had appeared at the time of filing. Moreover, Conway Regional had served neither an answer nor a motion for summary judgment. Mr. Stanley’s stipulation of dismissal was therefore effective without requiring an Order issued by this Court. Fed. R. Civ. P. 41(a)(1)(A). As Mr. Stanley’s stipulation of dismissal did not indicate otherwise, Mr. Stanley’s claims against Conway Regional were dismissed without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Pending before the Court is defendant Conway Regional’s motion to dismiss (Dkt. No. 7). Mr. Stanley’s prior filing of his stipulation of dismissal effected to dismiss without prejudice

Conway Regional as a party to this action (Dkt. No. 5). Consequently, the Court denies the motion as moot (Dkt. No. 7).

It is so ordered this the 27th day of June, 2017.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath the name.

Kristine G. Baker  
United States District Judge