

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

TRACY LYONS

PLAINTIFF

v.

Case No. 1:16-cv-1099

PRUDENTIAL INSURANCE COMPANY
OF AMERICA and CENTERPOINT ENERGY
SERVICES, INC.

DEFENDANTS

ORDER

Before the Court is Plaintiff Tracy Lyons' Stipulation of Dismissal of Centerpoint Energy Services, Inc. (ECF No. 11). Plaintiff stipulates to the dismissal of Defendant CenterPoint Energy Services, Inc. ("CenterPoint") pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) because he has learned that Defendant Prudential Insurance Company of America ("Prudential") is the appropriate party for defending Plaintiff's claims in this action. Rule 41(a)(1)(A)(i) provides that an action may be dismissed by a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. The Court notes that Prudential and CenterPoint both filed their answer to Plaintiff's complaint on January 25, 2017. Because CenterPoint has already filed its answer, Plaintiff's claim against CenterPoint cannot be dismissed pursuant to Rule 41(a)(1)(A)(i).

However, Rule 41(a)(2) allows an action to be dismissed at the Plaintiff's request by court order, on terms that the Court considers proper. The Court will construe Plaintiff's stipulation as a motion to dismiss pursuant to Rule 41(a)(2).

Upon consideration, the Court finds that good cause for the motion exists. Accordingly,

Plaintiff's motion (ECF No. 11) is hereby **GRANTED**. Plaintiff's claims against Defendant CenterPoint Energy Services, Inc. are **DISMISSED**. Plaintiff's claims against Defendant Prudential Insurance Company of America remain.

IT IS SO ORDERED, this 25th day of April, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge