

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 12-cv-02215-RBJ-KMT

BRIAN EDMOND BATH,

Plaintiff,

v.

VITAL RECOVERY SERVICES, INC., and
JOHN AND JANE DOES 1-100,

Defendants.

Civil Action No. 12-cv-03225-RBJ-KMT

BRIAN EDMOND BATH, Real Party in Interest under injury,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT, INC.,
PAUL J. GRINBERG, and
JOHN AND JANE DOES (1-100),

Defendants.

Civil Action No. 12-cv-03228-RBJ-KMT

BRIAN EDMOND BATH, Real Party in Interest under injury Sui Juris,

Plaintiff,

v.

RJM ACQUISITIONS LLC,
JAMIE ROZANSKY, and
JOHN AND JANE DOES (1-100),

Defendants.

ORDER

Defendants in these three cases have objected to Mr. Bath's efforts voluntarily to dismiss them and has asked the Court to set a Scheduling Conference and to grant defendants leave to seek fees and costs. With respect to Case No. 12-CV-2215, the Court already, *sua sponte*, rejected Mr. Bath's notice of voluntary dismissal, as he had no valid grounds under Fed. R. Civ. P. 41. Defendant can file a request for the relief to which it believes it is entitled.

As for the two other cases, Mr. Bath is entitled under Rule 41 voluntarily to dismiss those cases. Although it is true, as defendants state, that they have filed motions to dismiss in those cases, they have not filed either an Answer or a Motion for Summary Judgment, which is what both Rule 41 and *Lorillard Tobacco Co. v. Engida*, 611 F.3d 1209, 1215 (10th Cir. 2010) (the case cited by the defendants) specify. The Court does not necessarily approve of Mr. Bath's practice of filing multiple cases, causing defendants to incur fees and costs, and then bailing out. Nevertheless, under the Rule, he is entitled voluntarily to dismiss those cases, and the Court lacks jurisdiction to impose other relief once he has done so.

The pending motions are moot in 2215 and denied in the other two cases. Cases 12cv3225 and 12cv3228 have been voluntarily dismissed, and each party must bear his and its own costs and fees.

DATED this 9th day of April, 2014.

BY THE COURT:



R. Brooke Jackson

United States District Judge