

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-00211-PAB-CBS

ESTATE OF SHIRLEY A. CARDINALE, by and through Pamela Jean Barola as
Personal Representative,

Plaintiff,

v.

SSC PUEBLO BELMONT OPERATING COMPANY LLC D/B/A Belmont Lodge Health
Care Center, a Delaware limited liability company,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court on the Stipulation to Dismiss [Docket No. 37] filed by the remaining parties in this matter, plaintiff Pamela Jean Barola, as Personal Representative of the Estate of Shirley A. Cardinale, and defendant SSC Pueblo Belmont Operating Company, LLC, d/b/a Belmont Lodge Health Care Center. The parties “stipulate and agree that the above-entitled cause of action be dismissed with prejudice, each party to pay their own costs and attorney fees.” The stipulation, however, was not signed by “by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii); see *Anderson-Tully Co. v. Federal Ins. Co.*, 347 F. App’x 171, 176 (6th Cir. 2009) (under Fed. R. Civ. P. 41(a)(1)(A)(ii), “all parties who have appeared” includes both current and former parties). As a result, the Stipulation to Dismiss, by itself, does not serve to dismiss this action. The Court, however, having reviewed the

stipulation, finds that dismissal is appropriate. Therefore, pursuant to Fed. R. Civ. P. 41(a)(2), it is

ORDERED that all claims by and between plaintiff and defendant are dismissed with prejudice, each party to bear its own costs and attorneys' fees. It is further

ORDERED that this case shall be closed in its entirety.

DATED September 3, 2013.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge