

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

Civil Action No. 13-cv-03045-PAB-CBS

WILLIAM DRAKE,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court on the Stipulation for Dismissal [Docket No. 18] filed by the remaining parties in this matter, plaintiff William Drake and defendant State Farm Mutual Automobile Insurance Company. The parties “stipulate and agree that the above-entitled civil action be dismissed without prejudice.” 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 for Dismissal, 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 without 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 August 26, 2014.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge