

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 15-cv-00013-REB-BNB

SHANITA TAYLOR, individually and on behalf of all others similarly situated,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM, INC., a Delaware corporation, and  
FEDEX CORPORATION, a Delaware corporation,

Defendants.

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**ORDER OF DISMISSAL AS TO DEFENDANT FEDEX CORPORATION, ONLY**

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**Blackburn, J.**

The matter is before the court on **Plaintiff's Notice of Voluntary Dismissal of Lawsuit Against Defendant FedEx Corporation Without Prejudice** [#11],<sup>1</sup> filed January 20, 2015. Pursuant to Fed. R. Civ. P. 41(a)(1), no court order is necessary to effectuate a dismissal of a party which has not yet answered or filed motion for summary judgment, and the dismissal became effective immediately on filing the notice. **See** 9 C. Wright, A. Miller, M. Kane, R. Marcus, and A. Steinman, **Federal Practice & Procedure** § 2363 (3<sup>rd</sup> ed.); **Janssen v. Harris**, 321 F.3d 998, 1000-01 (10<sup>th</sup> Cir. 2003); **Bunner v. Koch**, 2009 WL 798539 at \*1 (D. Colo. March 24, 2009). I thus conclude that the notice should be approved and that plaintiff's claims against defendant FedEx Corporation should be dismissed without prejudice.

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<sup>1</sup> "[#11]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

**THEREFORE, IT IS ORDERED** as follows:

1. That **Plaintiff's Notice of Voluntary Dismissal of Lawsuit Against Defendant FedEx Corporation Without Prejudice** [#11], filed January 20, 2015, is **APPROVED**;

2. That plaintiff's claims against defendant FedEx Corporation are **DISMISSED WITHOUT PREJUDICE**; and

3. That defendant FedEx Corporation is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated January 22, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge