

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT C. DEBACCO,

Plaintiff,

v.

Case No: 2:12-cv-256-FtM-38UAM

JEFFREY T. DEBACCO,

Defendant.

ORDER¹

This matter comes before the Court on the Plaintiff Robert C. DeBacco's Notice of Voluntary Dismissal (Doc. #55) filed on July 2, 2013. The Plaintiff gives notice to the Court that he voluntarily dismisses the Complaint with prejudice.

Except as provided in Rule 41(a)(1) (dismissal by stipulation or before an answer or motion for summary judgment has been filed), dismissal of an action must be by court order. [Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 378-381, 114 S. Ct. 1673, 1675-1677, 128 L. Ed. 2d 291 \(1994\); Anago Franchising, Inc. v. Shaz, LLC., 677 F.3d 1272, 1280 \(11th Cir. 2012\).](#) [Fed. R. Civ. P. 41\(a\)\(2\)](#) provides that “an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper.” “The district court enjoys broad discretion in determining

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whether to allow a voluntary dismissal under Rule 41(a)(2).” [Pontenberg v. Boston Sci. Corp., 252 F.3d 1253, 1255 \(11th Cir. 2001\)](#). A “voluntary dismissal should be granted unless the defendant will suffer clear legal prejudice, other than the mere prospect of a subsequent lawsuit, as a result.” *Id.* (internal quotation marks omitted).


In this instance, the Plaintiff notified the Court (Doc. # [54](#)) that a settlement agreement has been reached between the Parties and now files Notice (Doc. # [55](#)) that the cause of action is voluntarily dismissed with prejudice.

Accordingly, it is now

ORDERED:

Pursuant to [Fed. R. Civ. P. 41\(a\)\(2\)](#), this action is **DISMISSED** with prejudice. The Clerk shall enter judgment accordingly, terminate all previously scheduled deadlines and pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of July, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record